

## ORDINANCE \_\_\_\_\_

AN ORDINANCE related to land use and zoning, amending various chapters of Title 23 of the Seattle Municipal Code (SMC); adding new sections to Chapter 23.45 and recodifying other sections in that chapter; repealing Sections 23.34.016, 23.34.022, 23.45.002, 23.45.004, 23.45.006, 23.45.009, 23.45.010, 23.45.011, 23.45.012, 23.45.014, 23.45.015, 23.45.016, 23.45.017, 23.45.018, 23.45.064, 23.45.066, 23.47A.029, 23.48.031, 23.86.020, and all the exhibits in these Sections; adding Section 23.54.040; amending provisions in SMC Title 25 regarding environmental policies, critical areas, and tree protection; establishing new classifications and standards for lowrise multifamily development; revising lowrise zoning designations and locational criteria for multifamily zones; amending the Official Land Use Map to rezone all property currently in a Lowrise or Lowrise Duplex/Triplex zone to one of three new Lowrise zones; providing for the effect of expiration of any prior decision rezoning property from a Lowrise zone; providing for the extension of contract rezone conditions for property previous zoned to a Lowrise zone; eliminating multifamily parking requirements in urban villages with frequent transit service; changing the mechanism for permitting parking off-site; changing methods for measuring structure height in most zones; establishing standards for solid waste storage areas in most zones; and establishing a new streamlined design review process, all in order to allow a greater variety of housing types in Lowrise multifamily zones, to improve development regulations in multifamily and other zones, to encourage design excellence, to implement Comprehensive Plan policies, and to protect and promote the health, safety, and welfare of the general public.

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

#### Section 1.

A. The Official Land Use Map, Chapter 23.32 of the Seattle Municipal Code, is amended as follows:

1. All areas designated on Attachment B as Lowrise Duplex/Triplex (LDT) are rezoned to Lowrise 1 (LR1).

2. All areas designated on Attachment B as Lowrise 1 (L1) that are located outside of urban centers, urban villages, and station area overlay districts are rezoned to LR1.

3. All areas designated on Attachment B as Lowrise 1 (L1) that are located within urban centers, urban villages, and station area overlay districts are rezoned to Lowrise 2 (LR2).

1           4. All areas designated on Attachment B as Lowrise 2 (L2) are rezoned to LR2.

2           5. All areas designated on Attachment B as Lowrise 3 (L3) and Lowrise 4 (L4) are  
3 rezoned to Lowrise 3 (LR3).

4           B. Attachment B to this ordinance, which is incorporated by this reference, shows the  
5 areas being rezoned as described in this Section.

6           C. Except for the LDT, L1, L2, L3 and L4 classifications, all other designations and  
7 classifications of the property rezoned by this Section remain in effect.  
8

9           D. This ordinance is not intended to release or modify either the terms of any agreement  
10 previously made in connection with the rezoning of any property, or any conditions or  
11 restrictions included in any rezone decision or ordinance, except as expressly provided in  
12 subsection E of this Section. As to each lot being rezoned in this ordinance from a zoning  
13 designation previously established by a map amendment conditioned upon a recorded agreement,  
14 all conditions and restrictions stated in the applicable prior rezone decision, ordinance or  
15 agreement, whether or not referring to a specific zoning designation or rezone action, continue as  
16 conditions and restrictions under the zoning designation established by this ordinance. Such  
17 rezones include, but are not limited to, those authorized by the following ordinances: Ordinance  
18 122206 (Clerk File (CF) 307285); Ordinance 111985 (CF 292534); Ordinance 98717 (CF  
19 293916); Ordinance 121960 (CF 306618); Ordinance 111705 (CF 291852); Ordinance 111222  
20 (CF 292030); Ordinances 113699, 113704, 113706 and 113707 (CF 294977); Ordinance 116912  
21 (CF 298562); Ordinance 121795 (306768); Ordinance 121323 (CF 305399); Ordinance 121164  
22 and 121404 (CF 305400); Ordinance 122098 (CF 307452); Ordinance 122304 (CF 307580);  
23 Ordinance 115664 (CF 298162); Ordinance 116501 (CF) 298303; Ordinance 117580 (CF  
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299930); Ordinance 118518 (CF 301537); Ordinance 122184 (CF 307757); Ordinance 115760 (CF 298192); Ordinance 117214 (CF 299299); and Ordinance 122185 (CF 307093). The City Council finds that the restrictions in each such agreement are necessary in order to ameliorate adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezones effected by this ordinance.

E. Any property previously rezoned from LDT, L1, L2, L3 or L4 pursuant to an ordinance under which the rezone could expire or the zoning could otherwise revert to the previous designation under specified conditions shall, upon any expiration or other event by which the zoning would revert to such classification but for the effect of this ordinance, automatically become rezoned to the LR1, LR2 or LR3 classification that would have applied under subsection A of this Section if the property had been shown on Attachment B as having that prior zoning classification.

Section 2. Subsections A and B of Section 23.22.062 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

**23.22.062 Unit lot subdivisions**

A. The provisions of this ~~((section))~~ Section 23.22.062 apply exclusively to the unit subdivision of land for townhouse~~((s))~~, rowhouse, and cottage housing developments, ~~((and cluster development for housing))~~ as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

B. Except for any site for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, ~~((sites))~~ lots developed or proposed to be

developed with ~~((dwelling units listed))~~ uses described in subsection 23.22.062.A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private~~((;))~~ usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

\* \* \*

Section 3. Subsections A and B of Section 23.24.045 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

**23.24.045 Unit lot subdivisions~~((;))~~**

A. The provisions of this ~~((section))~~ Section 23.24.045 apply exclusively to the unit subdivision of land for townhouse~~((s))~~, rowhouse, and cottage housing developments~~((, and cluster development for housing;))~~ as permitted in Single-Family, Residential Small Lot and Lowrise zones, and for single-family dwelling units in Lowrise zones, or any combination of the above types of residential development, as permitted in the applicable zones.

B. Except for any ~~((site))~~ lot for which a permit has been issued pursuant to Sections 23.44.041 or 23.45.545 for a detached accessory dwelling unit, ~~((sites))~~ lots developed or proposed to be developed with ~~((dwelling units listed))~~ uses described in subsection 23.24.045.A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the

development standards based on analysis of the individual unit lot, except that any private, usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

\* \* \*

Section 4. Subsection A of Section 23.30.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.30.010 Classifications for the purpose of this subtitle((:))**

All land within the City shall be classified as being within one (~~((1) land use~~)) zoning designation.

A. General (~~((Z))~~) zoning (~~((D))~~) designations. The zoning classification of land shall include one of the designations in this subsection 23.30.010.A. Only in the case of land designated "RC" the classification shall include both "RC" and one additional multifamily zone designation in this subsection 23.30.010.A(~~((, which shall be a designation for a multifamily zone))~~).

<b>Zones</b>	<b>Abbreviated</b>
Residential, Single-family 9,600	SF 9600
Residential, Single-family 7,200	SF 7200
Residential, Single-family 5,000	SF 5000
Residential Small Lot	RSL
<del>((Residential, Multifamily, Lowrise Duplex/Triplex))</del>	<del>((LDT))</del>
Residential, Multifamily, Lowrise 1	LR1
Residential, Multifamily, Lowrise 2	LR2
Residential, Multifamily, Lowrise 3	LR3
<del>((Residential, Multifamily, Lowrise 4))</del>	<del>((L4))</del>
Residential, Multifamily, Midrise	MR
Residential, Multifamily, Highrise	HR
Residential-Commercial	RC
Neighborhood Commercial 1	NC1
Neighborhood Commercial 2	NC2
Neighborhood Commercial 3	NC3
Seattle Mixed	SM
Commercial 1	C1
Commercial 2	C2
Downtown Office Core 1	DOC1
Downtown Office Core 2	DOC2
Downtown Retail Core	DRC
Downtown Mixed Commercial	DMC
Downtown Mixed Residential	DMR
Pioneer Square Mixed	PSM
International District Mixed	IDM
International District Residential	IDR
Downtown Harborfront 1	DH1
Downtown Harborfront 2	DH2
Pike Market Mixed	PMM
General Industrial 1	IG1
General Industrial 2	IG2
Industrial Buffer	IB
Industrial Commercial	IC

\* \* \*

Section 5. Subsection B of Section 23.34.010, which section was last amended by Ordinance 123046, is amended as follows:

**Section 23.34.010 Designation of single-family zones**

\* \* \*

B. Areas zoned single-family or RSL that meet the criteria for single-family zoning contained in subsection B of Section 23.34.011 and that are located within the adopted boundaries of an urban village may be rezoned to zones more intense than Single-family 5000 ~~((when))~~ if all of the following conditions are met:

1. A neighborhood plan has designated the area as appropriate for the zone designation, including specification of the RSL/T, RSL/C, or RSL/TC suffix, ~~((when))~~ if applicable;

2. The rezone is:

a. To a Residential Small Lot (RSL), Residential Small Lot-Tandem (RSL/T), Residential Small Lot-Cottage (RSL/C), Residential Small Lot-Tandem/Cottage (RSL/TC), ~~((Lowrise Duplex/Triplex (LDT)))~~ Lowrise 1 (LR1), Lowrise 1/Residential-Commercial (LR1/RC), or

b. Within the areas identified on Map P-1 of the adopted North Beacon Hill Neighborhood Plan, and the rezone is to any Lowrise zone, or to an NC1 zone or NC2 zone with a 30 foot or 40 foot height limit, or

c. Within the residential urban village west of Martin Luther King Junior Way South in the adopted Rainier Beach Neighborhood Plan, and the rezone is to a ~~Lowrise Duplex/Triplex (LDT)~~, Lowrise 1 (LR1) or Lowrise 2 (LR2) zone.

\* \* \*

Section 6. Section 23.34.013 of the Seattle Municipal Code, which section was last amended by Ordinance 117430, is amended as follows:

**23.34.013 Designation of multifamily zones((:))**

An area zoned single((:))--family that meets the criteria of Section 23.34.011 for single-family designation((:)) may not be rezoned to multifamily except as otherwise provided in Section 23.34.010((:))B.

Section 7. Section 23.34.014 of the Seattle Municipal Code, which section was last amended by Ordinance 117430, is amended as follows:

**23.34.014 Lowrise ((~~Duplex/Triplex (LDT)~~)) 1 (LR1) zone, function and locational criteria((:))**

A. Function. ((~~An area that provides opportunities for limited infill housing development, both through new construction and the conversion of existing single-family structures to duplexes and triplexes, where, in order to preserve the character of the neighborhood, the recycling of existing structures to a slightly higher density and small-scale infill development is preferable to single-family zoning or to the development of townhouses or higher density apartments.~~)) The function of the LR1 zone is to provide opportunities for low-density multifamily housing, primarily rowhouse and townhouse developments, through infill



development that is compatible with single-family dwelling units, or through the conversion of existing single-family dwelling units to duplexes or triplexes.

~~((B. Locational Criteria. The Lowrise Duplex/Triplex zone designation is most appropriate in areas generally characterized by the following:~~

~~1. Development Characteristics of the Area.~~

~~a. Areas where structures of small bulk and low heights, generally less than thirty (30) feet, establish the pattern of development; and~~

~~b. Areas with a mix of single family structures, small multifamily structures, and single family structures legally converted into multiple units where, because of the type and quality of the existing housing stock, it is desirable to limit new development opportunities to infill projects and conversions that preserve the existing character.~~

~~2. Relationship to the Surrounding Area.~~

~~a. Areas that do not meet single family criteria, but are otherwise similar in character and adjoin areas zoned single family or Lowrise 1 without necessarily the presence of a significant topographical break or open space to provide a transition to increased density;~~

~~b. Areas where narrow streets, on-street parking congestion, local traffic congestion, lack of alleys, or irregular street patterns restrict local access and circulation;~~

~~c. Areas close to existing or projected facilities and services used by households with children, including schools, parks and community centers.))~~

B. Locational Criteria. The LR1 zone is most appropriate in areas generally characterized by the following conditions:

1. The area is similar in character to single-family zones;

2. The area is either:

a. located outside of an urban center, urban village, or Station Area

Overlay District;

b. a limited area within an urban center, urban village, or Station Area

Overlay District that would provide opportunities for a diversity of housing types within these denser environments; or

c. located on a collector or minor arterial;

3. The area is characterized by a mix of single-family dwelling units, multifamily structures that are similar in scale to single-family dwelling units, such as rowhouse and townhouse developments, and single-family dwelling units that have been converted to multifamily residential use or are well-suited to conversion;

4. The area is characterized by local access and circulation that can accommodate low density multifamily development oriented to the ground level and the street, and/or by narrow roadways, lack of alleys, and/or irregular street patterns that make local access and circulation less suitable for higher density multifamily development;

5. The area would provide a gradual transition between single-family zoned areas and multifamily or neighborhood commercial zoned areas; and

6. The area is supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers.

~~((C. Areas zoned single family meeting the locational criteria for a single family designation may be rezoned to LDT only when the provisions of Section 23.34.010(( ))B are met.))~~

Section 8. Section 23.34.016 of the Seattle Municipal Code, relating to the function and locational criteria for Lowrise 1 zones, which section was last amended by Ordinance 119242, and as shown in Attachment A to this ordinance, is repealed.

Section 9. Section 23.34.018 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.34.018 Lowrise 2 (LR2) zone, function and locational criteria((;))**

A. Functions. ~~((The intent of the Lowrise 2 zone is to encourage a variety of multifamily housing types with less emphasis than the Lowrise 1 zone on ground related units, while remaining at a scale compatible with single family structures.))~~ The dual functions of the LR2 zone are to:

1. Provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods and along arterials that have a mix of small scale residential structures; and

2. Accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of low scale and density.

~~((B. Locational Criteria. Lowrise 2 zone designation is most appropriate in areas generally characterized by the following:~~

~~1. Development Characteristics of the Areas.~~

~~a. Areas that feature a mix of single family structures and small to medium multifamily structures generally occupying one or two lots, with heights generally less than 30 feet;~~

~~b. Areas suitable for multifamily development if topographic conditions and the presence of views make it desirable to limit height and building bulk to retain views from within the zone;~~

~~c. Areas occupied by a substantial amount of multifamily development if factors such as narrow streets, on street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make an intermediate intensity of development desirable.~~

## ~~2. Relationship to the Surrounding Areas.~~

~~a. Properties that are well suited to multifamily development, but where adjacent single family areas make a transitional scale of development desirable. It is desirable that there be a well defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature providing physical separation from the single family area. However, this is not a necessary condition if existing moderate scale multifamily structures have already established the scale relationship with abutting single family areas;~~

~~b. Properties that are definable pockets within a more intensive area, if it is desirable to preserve a smaller scale character and mix of densities;~~

~~c. Properties in areas otherwise suitable for higher density multifamily development but where it is desirable to limit building height and bulk to protect views from uphill areas or from public open spaces and scenic routes;~~

~~d. Properties where vehicular access to the area does not require travel on  
"residential access streets" in less intensive residential zones.))~~

B. Locational Criteria. The LR2 zone is most appropriate in areas generally characterized  
by the following conditions:

1. The area is either:

a. located in an urban center, urban village, or Station Area Overlay  
District where new development could help establish a multifamily neighborhood of small scale  
and density; or

b. located in or near an urban center, urban village, or Station Area  
Overlay District, or on an arterial street, and is characterized by one or more of the following  
conditions:

1) small-scale structures generally no more than 35 feet in height  
that are compatible in scale with SF and LR1 zones;

2) the area would provide a gradual transition between SF or LR1  
zones and more intensive multifamily or neighborhood commercial zones; and

2. The area is characterized by local access and circulation conditions that  
accommodate low density multifamily development;

3. The area has direct access to arterial streets that can accommodate anticipated  
vehicular circulation, so that traffic is not required to use streets that pass through lower density  
residential zones; and

4. The area is well supported by existing or projected facilities and services used by residents, including retail sales and services, parks, and community centers, and has good pedestrian access to these facilities.

~~((C. Areas zoned single family that meet the locational criteria for single family designation may be rezoned to L2 only if the provisions of subsection 23.34.010.B are met.))~~

Section 10. Section 23.34.020 of the Seattle Municipal Code, which section was last amended by Ordinance 121700, is amended as follows:

**23.34.020 Lowrise 3 (LR3) zone, function and locational criteria((;))**

A. Functions. ~~((An area that provides moderate scale multifamily housing opportunities in multifamily neighborhoods where it is desirable to limit development to infill projects and conversions compatible with the existing mix of houses and small to moderate scale apartment structures.))~~ The dual functions of the LR3 zone are to:

1. provide opportunities for a variety of multifamily housing types in existing multifamily neighborhoods, and along arterials that have a mix of small to moderate scale residential structures; and

2. accommodate redevelopment in areas within urban centers, urban villages, and Station Area Overlay Districts in order to establish multifamily neighborhoods of moderate scale and density.

B. Locational Criteria.

~~((1. Threshold Conditions. Subject to subsection B2 of this section, properties that may be considered for an L3 designation are limited to the following:~~

~~a. Properties already zoned L3;~~

~~b. Properties in areas already developed predominantly to the permitted L3 density and where L3 scale is well established;))~~ The LR3 zone is most appropriate in areas generally characterized by the following conditions:

~~((e))~~ 1. The area is either:

a. located in an urban center, urban village, or Station Area Overlay District where new development could help establish a multifamily neighborhood of moderate scale and density, except in the following urban villages: the Wallingford Residential Urban Village, the Eastlake Residential Urban Village, the Upper Queen Anne Residential Urban Village, the Morgan Junction Residential Urban Village, the Lake City Hub Urban Village, the Bitter Lake Village Hub Urban Village, and the Admiral Residential Urban Village; or

b. located in an existing multifamily neighborhood in or near an urban center, urban village, or Station Area Overlay District, or on an arterial street, and characterized by a mix of structures of low and moderate scale;

~~((e. Properties within an urban center or village, except in the Wallingford Residential Urban Village, in the Eastlake Residential Urban Village, in the Upper Queen Anne Residential Urban Village, in the Morgan Junction Residential Urban Village, in the Lake City Hub Urban Village, in the Bitter Lake Village Hub Urban Village, or in the Admiral Residential Urban Village; or))~~

2. The area is near neighborhood commercial zones with comparable height and scale;

3. The area would provide a transition in scale between LR1 and/or LR2 zones and more intensive multifamily and/or commercial zones;

1                   4. The area has street widths that are sufficient for two-way traffic and parking  
2 along at least one curb;

3                   5. The area is well served by public transit;

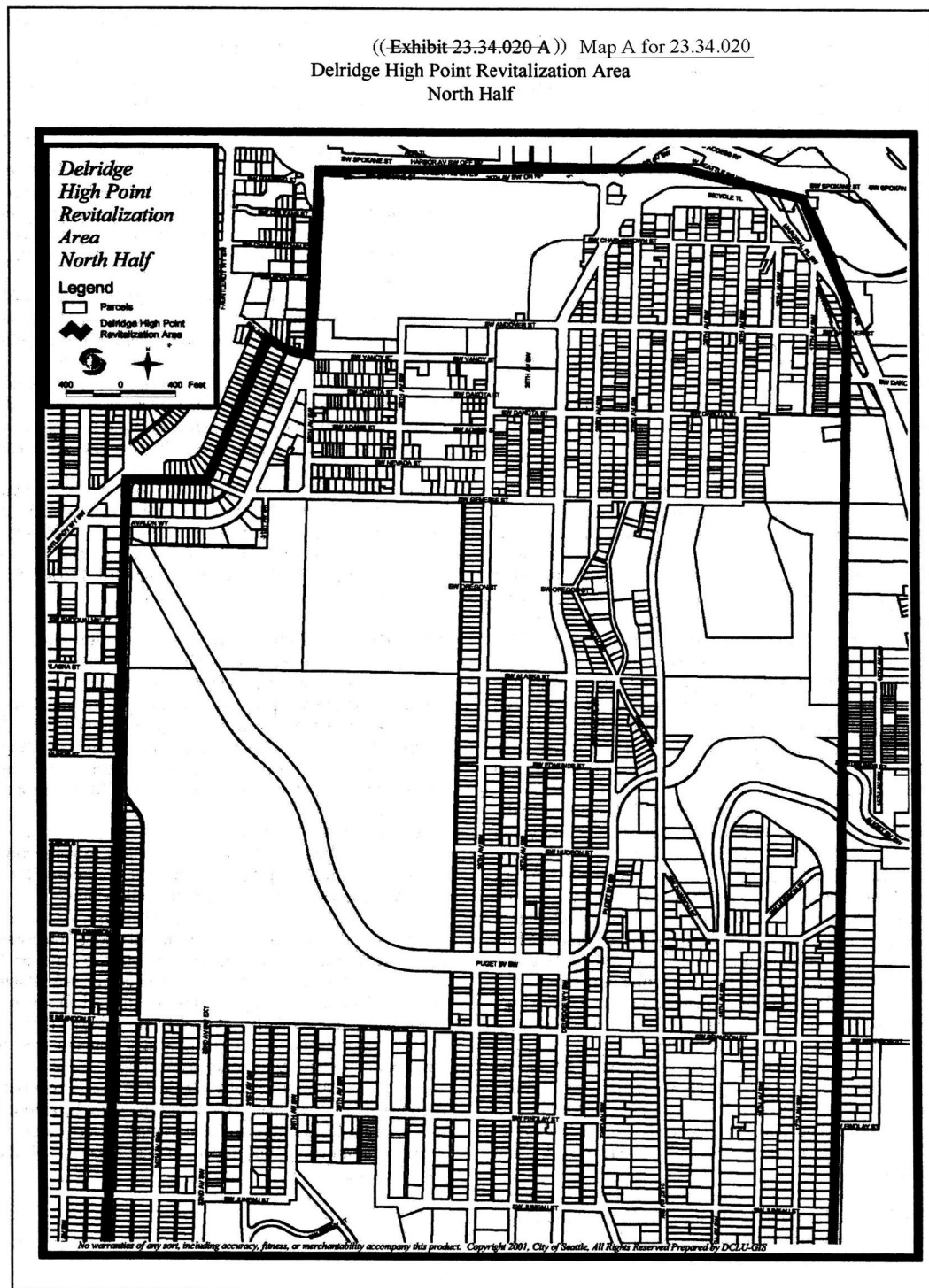
4                   6. The area has direct access to arterial streets that can accommodate anticipated  
5 vehicular circulation, so that traffic is not required to use streets that pass through lower density  
6 residential zones;

7                   7. The area well supported by existing or projected facilities and services used by  
8 residents, including retail sales and services, parks, and community centers, and has good  
9 pedestrian access to these facilities.

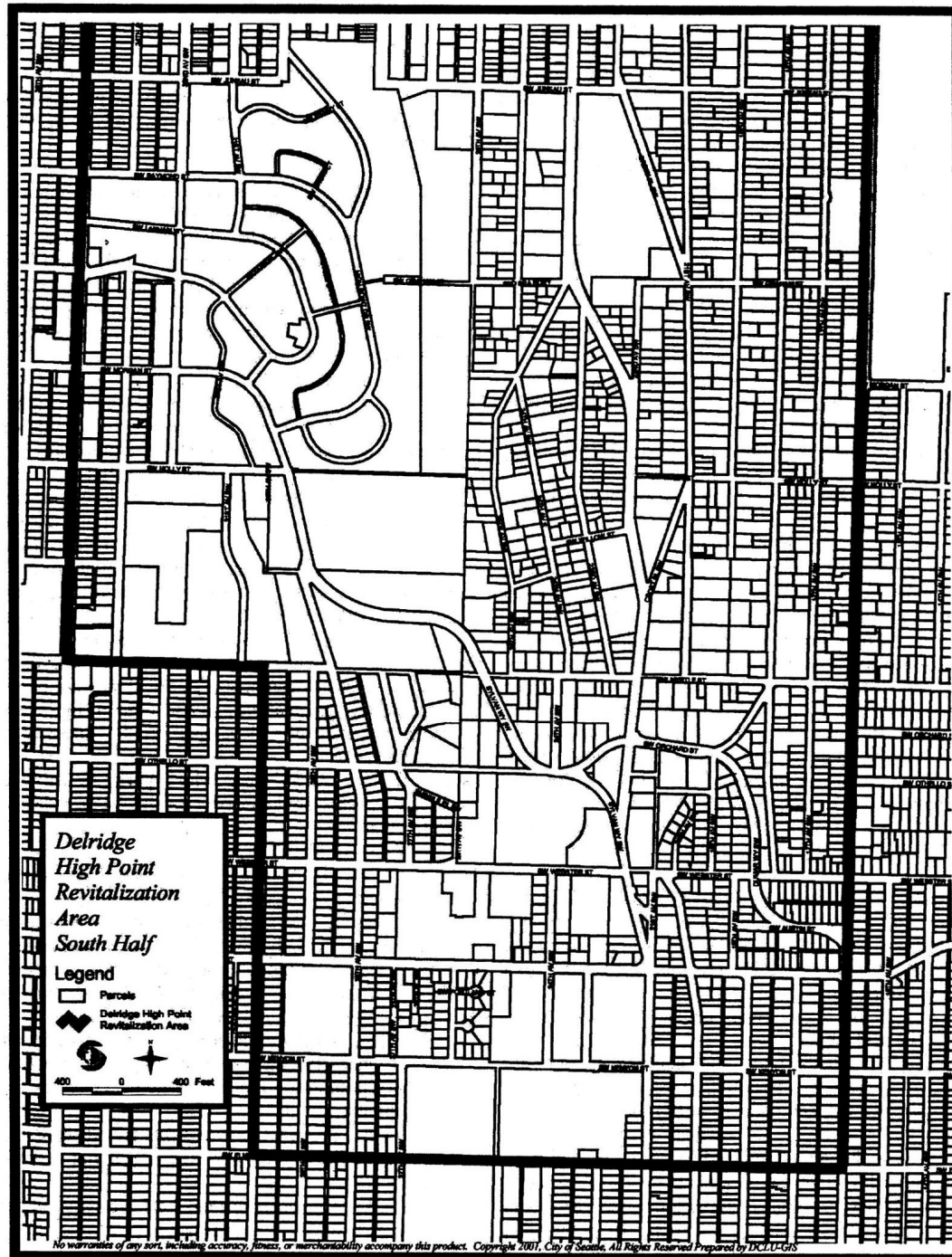
10                   ((d))C. The LR3 zone is also appropriate in areas ((Properties)) located in the Delridge  
11 High Point Neighborhood Revitalization Area, as shown in ((Exhibit)) Map A for 23.34.020  
12 ((A)), provided that the LR3 zone designation would facilitate a mixed-income housing  
13 development initiated by ((a public agency or)) the Seattle Housing Authority or other public  
14 agency; a property use and development agreement is executed subject to the provisions of  
15 ((SMC)) Chapter 23.76 as a condition to any rezone; and the development would serve a broad  
16 public purpose.



**Map A for 23.34.020: Delridge High Point Revitalization Area—North and South Halves**



(( Exhibit 23.34.020-A (continued))) Map A for 23.34.020 (continued)  
 Delridge High Point Revitalization Area  
 South Half



1           ~~((2))~~D. Except as provided in this subsection 23.34.020.D, properties ~~((Properties))~~  
2 designated as environmentally critical may not be rezoned to an LR3 designation, and may  
3 remain LR3 only in areas predominantly developed to the intensity of the LR3 zone. The  
4 preceding sentence does not apply if the environmentally critical area either:

5                     1. was created by human activity, or

6                     2. is a designated peat settlement, liquefaction, seismic or volcanic hazard area, or  
7 flood prone area, or abandoned landfill.

8  
9           ~~((3. Other Criteria. The Lowrise 3 zone designation is most appropriate in areas~~  
10 ~~generally characterized by the following:~~

11                     ~~a. Development Characteristics of the Area.~~

12                             ~~(1) Either:~~

13                                     ~~(a) Areas that are already developed predominantly to the~~  
14 ~~permitted L3 density and where L3 scale is well established,~~

15                                     ~~(b) Areas that are within an urban center or urban village,~~  
16 ~~except or~~

17                                     ~~(c) Areas that are located within the Delridge~~  
18 ~~Neighborhood Revitalization Area, as shown in Exhibit 23.34.020 A, provided that the L3 zone~~  
19 ~~designation would facilitate a mixed income housing development initiated by a public agency~~  
20 ~~or the Seattle Housing Authority; a property use and development agreement is executed subject~~  
21 ~~to the provisions of SMC Chapter 23.76 as a condition to any rezone; and the development~~  
22 ~~would serve a broad public purpose.~~

~~(2) Areas where the street pattern provides for adequate vehicular circulation and access to sites. Locations with alleys are preferred. Street widths should be sufficient for two (2) way traffic and parking along at least one (1) curbside.~~

~~b. Relationship to the Surrounding Areas.~~

~~(1) Properties in areas that are well served by public transit and have direct access to arterials, so that vehicular traffic is not required to use streets that pass through less intensive residential zones;~~

~~(2) Properties in areas with significant topographic breaks, major arterials or open space that provide sufficient transition to LDT or L1 multifamily development;~~

~~(3) Properties in areas with existing multifamily zoning with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities;~~

~~(4) Properties that are adjacent to business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.))~~

Section 11. Section 23.34.022 of the Seattle Municipal Code, relating to the function and locational criteria for the Lowrise 4 zone, which section was last amended by Ordinance 121700, and as shown in Attachment A to this ordinance, is repealed.

Section 12. Subsections A and B of Section 23.41.004 of the Seattle Municipal Code, which section was last amended by Ordinance 123206, is amended as follows:

**Section 23.41.004 Applicability**

A. Design review required.



1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

<b>Table A for 23.41.004: Thresholds for Design Review</b>	
<b>Zone</b>	<b>Threshold</b>
a. Lowrise (LR3((, L4)))	8 dwelling units
b. Midrise (MR)	20 dwelling units
c. Highrise (HR)	20 dwelling units
d. Neighborhood Commercial (NC1, 2, 3)	4 dwelling units or 4,000 square feet of nonresidential gross floor area
e. Commercial (C1, C2)	Four dwelling units or 12,000 square feet of nonresidential gross floor area, ((when)) located <u>on a lot</u> in an urban center or urban village <sup>1</sup> , or on a lot that abuts or is across a street or alley from a lot zoned single-family, or <u>on a lot</u> located in the area bounded by: NE 95 <sup>th</sup> St., NE 145 <sup>th</sup> St., 15 <sup>th</sup> Ave. NE, and Lake Washington
f. Seattle Mixed (SM)	20 units or 12,000 square feet of nonresidential gross floor area
g. Industrial Commercial (IC) zone within all designated urban villages and centers.	12,000 square feet of nonresidential gross floor area
Footnote to Table A for 23.41.004	
<sup>1</sup> Urban centers and urban villages are identified in the Seattle Comprehensive Plan.	

2. Design review is required for all new Major Institution development proposals that exceed thresholds in the zones listed in ((subsection A.1 of)) this ((Section)) subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Design review is required for all new development proposals located in the following Downtown zones that equal or exceed any of the following thresholds:

<b>DOC 1, DOC 2 or DMC Zones</b>	
Use	Threshold
Nonresidential	50,000 square feet of gross floor area
Residential	20 dwelling units

<b>DRC, DMR, DH1 or DH2 <u>Zones</u></b>	
Use	Threshold
Nonresidential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Map A for 23.41.006.

5. ~~((Administrative))~~ Streamlined administrative ~~((D))~~ design ~~((R))~~ review to ~~((P))~~ protect ~~((T))~~ trees. As provided in Sections 25.11.070 and 25.11.080, ~~((administrative))~~ streamlined administrative design review ~~((f))~~ pursuant to Section ~~((23.41.016))~~ 23.41.018 is required for new multifamily and commercial development proposals in Lowrise, Midrise, and commercial zones if an exceptional tree, as defined in Section 25.11.020, is located on the ~~((site))~~ lot, ~~((even))~~ if design review would not otherwise be required by this subsection 23.41.004.A.

6. New multifamily or commercial development proposals in the zones listed in ~~((subsection A.1 of))~~ this ~~((Section))~~ subsection 23.41.004.A, that are subject to SEPA solely as a result of the provisions of Section 25.05.908, Environmentally Critical Areas, are exempt from design review except as set forth in subsection A.5 of this section 23.41.004.

7. Design review pursuant to Section 23.41.014 is required for projects that are eligible for design review under any provision of this section 23.41.004 and that are participating in the Living Building Pilot Program authorized by Section 23.40.060.

8. Streamlined administrative design review (SDR) pursuant to Section 23.41.018 is required for all new townhouse developments that include at least three townhouse units, if design review is not otherwise required by this subsection 23.41.004.A.

#### B. Design Review -- Optional

1. Design review is optional to any applicant for new multifamily, commercial or Major Institution development proposals not otherwise subject to this ((e))Chapter 23.41, in the Stadium Transition Area Overlay District, and in all multifamily, commercial, ((e))and downtown zones.

2. ~~((An a))~~Administrative design review ((process)) is ((an option to)) optional for any applicant for new multifamily or commercial development proposals((, or as provided in subsection B3 below,)) in the Stadium Transition Area Overlay District, and in multifamily, commercial, ~~((e))~~ and downtown zones, according to the process described in Section 23.41.016.

#### 3. Streamlined administrative design review is an option for:

a. applicants for multifamily residential uses in LR zones for which design review is not otherwise required by subsection 23.41.004.A; and

~~((3.))b. ((Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an option to an applicant))~~ applicants for new multifamily and commercial development

proposals in Lowrise, Midrise, and Commercial zones to protect a tree over ~~((two (2)))~~ 2 feet in diameter measured ~~((four and one half (4 1/2)))~~ 4.5 feet above the ground, ~~((even when))~~ if design review would not otherwise be required by subsection 23.41.004.A.5.

\* \* \*

Section 13. A new Section 23.41.018 is added to the Seattle Municipal Code as follows:

**Section 23.41.018 Streamlined administrative design review (SDR) process**

A. A preapplication conference is required for all projects subject to this Section 23.41.018 unless waived by the Director, pursuant to Section 23.76.008.

B. Following a preapplication conference, a proponent may apply to begin the SDR guidance process.

1. The application for SDR guidance shall include the following:

a. An initial site analysis addressing site opportunities and constraints, adjacent buildings, and the zoning of the site and adjacent properties;

b. A drawing of existing site conditions, indicating topography of the site and location of structures and prominent landscape elements on the site (including but not limited to all trees 6 inches or greater in diameter measured 4.5 feet above the ground, with species indicated) if any;

c. A preliminary site plan including structures, open spaces, vehicular and pedestrian access, and landscaping;

d. A brief description of how the proposal meets the intent of the applicable citywide and neighborhood design review guidelines; and



1 e. One or more color renderings adequate to depict the overall massing of  
2 structures and the design concept.

3 2. Notice of application for SDR guidance shall be provided pursuant to Chapter  
4 23.76.

5 3. The purpose of SDR guidance is to receive comments from the public, identify  
6 concerns about the site and design concept, identify applicable citywide and neighborhood  
7 design guidelines of highest priority to the site, explore conceptual design and siting alternatives,  
8 and identify and document proposed development standard adjustments and/or departures. As a  
9 result of the SDR guidance process, the Director shall prepare a report, which may take the form  
10 of notes marked on the SDR guidance application documents or a brief written document. The  
11 report shall identify those guidelines of highest priority and applicability, document any design  
12 changes needed to achieve consistency with the design guidelines, and identify any development  
13 standard adjustments and/or departures.  
14  
15

16 4. The Director shall distribute a copy of the report to the applicant, place it on  
17 file in the Department, and provide access to the report on the Department website.

18 C. Application for Master Use Permit.

19 1. After issuance of the SDR guidance report, the proponent may apply for a  
20 Master Use Permit.  
21

22 2. The Master Use Permit application shall include a brief explanation of how the  
23 proposal addresses the SDR guidance report, in addition to standard Master Use Permit submittal  
24 information required by Section 23.76.010. The Master Use Permit application may request  
25 development standard adjustments that were identified in the SDR guidance report. If the SDR  
26  
27  
28

design guidance report identified the need for development standard departure(s), the applicant may either revise the application to eliminate the need for the departure(s), or may apply for a Master Use Permit for administrative design review, pursuant to Section 23.41.016, in which case the remainder of this Section 23.41.018 does not apply.

3. Notice of application for a permit for a project subject to SDR shall be provided according to Chapter 23.76.

#### D. Director's decision

1. The Director shall make the SDR decision as part of the Master Use Permit decision for the project.

2. The Director shall consider public comments on the proposed project, and the Director's decision shall be based on the extent to which the application meets applicable design guidelines and responds to the SDR guidance report.

3. The Director may allow the adjustments listed in subsection 23.41.018.D.4, if the adjustments are consistent with the SDR design guidance report and the adjustments would result in a development that:

- a. better meets the intent of the adopted design guidelines and/or
- b. provides a better response to environmental and/or site conditions, including but not limited to topography, the location of trees, or adjacent uses and structures.

4. If the criteria listed in subsection 23.41.018.D.3 are met, the Director may allow adjustments to the following development standards to the extent listed for each standard:

- a. Setbacks: 50 percent;
- b. Amenity areas: 10 percent;

c. Landscaping and screening: 25 percent;

d. Structure width and structure depth limits: 10 percent;

e. Screening of parking: 25 percent; and

f. Parking garage entrance requirements: 25 percent.

5. Limitations on adjustments through the SDR process established in this subsection 23.41.018.D do not limit adjustments expressly permitted by other provisions of this Title 23 or other titles of the Seattle Municipal Code.

E. Notice of Decision. Notice of the Director's decision shall be provided pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

Section 14. Subsection C of Section 23.42.106 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.42.106 Expansion of nonconforming uses((:))**

\* \* \*

C. In ~~((M))~~ multifamily zones, except in ~~((Lowrise Duplex/Triplex and))~~ Lowrise 1 (LR1) zones, dwelling units may be added to a structure containing one ~~((4))~~ or more nonconforming uses, even if in a structure nonconforming to development standards; provided that limitations on density shall apply. The structure may be expanded or extended~~((:))~~, provided that the expansion or extension shall be for residential use, shall conform to the development standards of the zone, and shall not cause an already nonconforming structure to become more nonconforming to development standards.

\* \* \*

Section 15. Subsection C of Section 23.42.108 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.42.108 Change from nonconforming use to conforming use((;))**

\* \* \*

C. In multifamily zones, a nonconforming nonresidential use may be converted to residential use even ~~((if))~~ though all development standards are not met, ~~if((; provided that))~~:

1. ~~((the))~~ any applicable limits on density ~~((limitations of the zone must be))~~ are met; ~~((and))~~

2. ~~((provided that))~~ any ~~((parking))~~ nonconformity with respect to parking ~~((shall not be))~~ is not increased as a result of the conversion; and

3. in ~~((Lowrise Duplex/Triplex))~~ LR1 zones the total number of dwelling units in ~~((any structure))~~ an apartment is limited to three ~~((3))~~.

\* \* \*

Section 16. Subsection A of Section 23.42.110 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

**23.42.110 Change from one nonconforming use to another nonconforming use((;))**

A nonconforming use may be converted by an administrative conditional use authorization to another use not otherwise permitted in the zone subject to the following limitations and conditions.

A. In single-family~~((;))~~ and residential small lot zones, ~~((and Lowrise Duplex/Triplex zones;))~~ a nonconforming multifamily residential use ~~((or structure))~~ may not be converted to any nonresidential use not otherwise permitted in the zone.

\* \* \*

Section 17. Section 23.42.114 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

**23.42.114 Multifamily structures nonconforming to development standards((:))**

The following provisions apply to multifamily structures ~~((that do not comply with current development standards))~~ nonconforming to development standards.

A. A ~~((nonconforming ground-related))~~ multifamily structure ~~((or apartment located))~~ nonconforming to development standards in a ~~((Lowrise Duplex/Triplex (LDT) or))~~ Lowrise 1 (LR1) zone may be expanded or extended ~~((provided))~~ if the expansion or extension ~~((shall))~~ conforms to the development standards of the zone and ~~((shall))~~ does not cause an already nonconforming structure to become more nonconforming to development standards.

B. Additional residential units may be added to a ~~((nonconforming ground-related))~~ multifamily structure nonconforming to development standards ~~((or apartment structure, provided))~~ if the addition ~~((shall))~~ conforms to the development standards of the zone and ~~((shall))~~ does not cause an already nonconforming structure to become more nonconforming to development standards.

~~((C. In Lowrise Duplex/Triplex zones, a nonconforming ground-related multifamily structure or an apartment may be converted to any permitted use if all development standards are met except for open space and ground level access.))~~

Section 18. Subsection A of Section 23.42.122 of the Seattle Municipal Code, which section was last amended by Ordinance 120293, is amended as follows:

**23.42.122 Height nonconformity((:))**

A. Single-family and multifamily zones.

1. In single-family (~~and multifamily~~) zones, a structure nonconforming as to height may be expanded or extended to add eaves, dormers and/or clerestories to an existing pitched roof (~~provided~~) if the additions are constructed below the highest point of the roof. An existing pitched roof that is above the height limit (~~shall~~) may not be converted into a flat roof, nor shall the slope of the roof be (~~lowered below~~) reduced to less than a (~~four in twelve~~) 4:12 (~~pitch~~) pitch.

2. In multifamily zones, a structure nonconforming as to height may be expanded or extended to add eaves, dormers and/or clerestories to an existing pitched roof if the additions are constructed below the highest point of the roof, pursuant to Section 23.45.514. An existing pitched roof that is above the height limit may not be converted into a flat roof, nor shall the slope of the roof be reduced to less than a (~~six to twelve~~) 6:12 (~~pitch~~) pitch.

\* \* \*

Section 19. Subsection D of Section 23.43.008 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**Section 23.43.008 Development** (~~§~~) standards for one dwelling unit per lot

\* \* \*

D. Yards and (~~§~~) setbacks.

1. Front and (~~R~~) rear (~~Y~~) yards.

a. The sum of the front yard plus the rear yard shall be a minimum of 30 feet.

b. In no case shall either yard have a depth of less than 10 feet.

c. If recommended in a neighborhood plan adopted or amended by the City Council after January 1, 1995, an ordinance designating an area as RSL may require front and/or rear yards ~~((setbacks))~~ greater than 10 feet, provided that the requirement of subsection 23.43.008.D.1.a shall not be increased or decreased, and the requirement of subsection 23.43.008.D.1.b shall not be reduced.

2. Side ~~((§))~~ setbacks. The required minimum side setback is 5 feet. The side setback may be averaged. No portion of the side setback shall be less than 3 feet, except as follows:

a. Street side setbacks shall be a minimum of 5 feet.

b. If an easement is provided along a side lot line of the abutting lot sufficient to leave a 10 foot separation between the two principal structures of the two lots, the required side ~~((yard))~~ setback may be reduced from the requirement of subsection 23.43.008.D.2. The easement shall be recorded with the King County Department of Records and Elections. The easement shall provide access for normal maintenance activities to the principal structure on the lot with less than the required side setback. No principal structure shall be located in the easement area, except that the eaves of a principal structure may project a maximum of 18 inches into the easement area. No portion of any structure, including eaves, shall cross the property line.

3. ~~((For all developments except cluster developments, only))~~ The following parts of structures ((that comply with the following)) may project into a required yard or setback, provided that the applicable restrictions in subsections 23.43.008.D.3 and D.4 are met:

a. Uncovered ~~((P))~~ porches or ~~((§))~~ steps. Uncovered, unenclosed porches or uncovered, unenclosed steps that project into a required yard or setback, if the porch or steps

are no higher than 4 feet on average above existing grade, are no closer than 3 feet to any side lot line, no wider than 6 feet, and project no more than 6 feet into a required front or rear yard. The heights of porches and steps are to be calculated separately.

b. Certain ~~((F))~~features of a ~~((S))~~structure.

1) External architectural features with no living area, such as chimneys, eaves, cornices and columns, that project no more than 18 inches into a required yard or setback~~((;))~~.

2) Bay windows that are no wider than 8 feet and project no more than 2 feet into a required front or rear yard or street side setback~~((;))~~.

3) Other external architectural features that include interior space such as garden windows, and project no more than 18 inches into a required yard or setback, starting a minimum of 30 inches above the height of a finished floor, and with maximum dimensions of 6 feet in height and 8 feet in width~~((;))~~.

4. Limit on features on a façade. The combined area of features that project into a required yard or setback pursuant to subsection 23.43.008.D.3.b may ~~((comprise no more than))~~ not exceed 30 percent of the area of the facade on which the features are located.

\* \* \*

Section 20. Subsection B of Section 23.44.034 of the Seattle Municipal Code, which section was last amended by Ordinance 199239, is amended as follows:

**23.44.034 Planned residential development (PRD)**~~((;))~~

\* \* \*

B. Type of ~~((Dwelling Units))~~ housing ~~((P))~~permitted.



1. Only single-family dwelling units shall be permitted within ~~((one hundred~~  
2 ~~))100((+))~~ feet of a PRD's ~~((property))~~ lot line which abuts or is directly across the street from a  
3 single-family zoned lot, except as provided in this subsection 23.44.034.B((2)).

2. ~~((Either single family))~~ Single-family dwelling units, cottage housing  
4 developments, rowhouse developments, ~~((or))~~ and townhouse((s)) developments are permitted  
5 ~~((when))~~ if within ~~((one hundred-))100((+))~~ feet of a ~~((property))~~ lot line of a PRD ~~((which))~~ that  
6 does not abut ~~((or))~~ and is not across a street from a single-family zoned lot, or that is separated  
7 from the single-family zoned lot by physical barriers, such as bodies of water, ravines,  
8 greenbelts, freeways, expressways and other major traffic arterials or topographic breaks  
9 ~~((which))~~ that provide substantial separation from the surrounding single-family neighborhood.

3. ~~((Either single family))~~ Single-family dwelling units, cottage housing  
11 developments, rowhouse developments, ~~((or))~~ and townhouse((s)) developments are permitted  
12 when more than ~~((one hundred-))100((+))~~ feet from a PRD's ~~((property))~~ lot line.

4. ~~((Townhouses))~~ Cottage housing developments, rowhouse developments, and  
14 townhouse developments shall meet the development standards for structures in Lowrise 1  
15 zones, unless otherwise specified in this ~~((subchapter))~~ Chapter 23.44.

\* \* \*

Section 21. Section 23.45.002 of the Seattle Municipal Code, which section was last  
amended by Ordinance 123209, as shown in Attachment A to this ordinance, is repealed.

Section 22. Section 23.45.502 of the Seattle Municipal Code, which section was enacted  
by Ordinance 123209, is amended as follows:

#### **23.45.502 Scope of provisions**

This Chapter 23.45 (~~((describes the authorized uses and development standards))~~)  
establishes regulations for the following zones:

~~((Lowrise Duplex/Triplex (LDT);))~~

Lowrise 1 (LR1);

Lowrise 2 (LR2);

Lowrise 3 (LR3);

~~((Lowrise 4 (L4)))~~

Midrise (MR) (references to Midrise zones include the Midrise/85 (MR/85) zone  
unless otherwise noted); and

Highrise (HR).

Section 23. Section 23.45.004 of the Seattle Municipal Code, providing a cross-reference  
to the section about permitted and prohibited uses in multifamily zones, which section was last  
amended by Ordinance 123209, and as shown in Attachment A to this ordinance, is repealed.

Section 24. Subsections A, B, and C of Section 23.45.504 of the Seattle Municipal Code,  
which section was last amended by Ordinance 123378, are amended as follows:

**23.45.504 Permitted and ~~((P))~~prohibited ~~((U))~~uses**

A. All uses are permitted outright, prohibited or permitted as a conditional use according  
to Table A for 23.45.504 and this Section 23.45.504. Uses not referred to in Table A are  
prohibited, unless otherwise indicated in this Chapter 23.45 or Chapters 23.51A, ~~((or))~~ 23.51B,  
or 23.57. Communication utilities and accessory communication devices, except as exempted in  
Section 23.57.002, are subject to the regulations in this Chapter 23.45 and additional regulations  
in Chapter 23.57. Public facilities are subject to the regulations in Section 23.51A.004.

B. All permitted uses are allowed as a principal use or as an accessory use, unless otherwise indicated in this Chapter 23.45.

<b>Table A for 23.45.504: Permitted and Prohibited Uses</b>		
	<b>Permitted and Prohibited Uses by Zone</b>	
<b>Uses</b>	<b><del>((LDT,))</del> LR1, LR2, and LR3 <del>((and L4))</del></b>	<b>MR and HR</b>
A. Residential use	P	P
B. Institutions	P/CU <sup>1</sup>	P/CU <sup>1</sup>
<del>((C. Public Facilities</del>		
C.1. Uses in public facilities that are similar to uses permitted outright in this Section 23.45.504	P <sup>2</sup>	P <sup>2</sup>
C.2. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities that meet the development standards for institutions in 23.45.570	P	P
C.3. Police precinct stations; fire stations; public boat moorages; utility service uses; and other similar public facilities not meeting the development standards for institutions in 23.45.570	Type IV or Type V decision <sup>3</sup>	Type IV or Type V decision <sup>3</sup>
C.4. New public facilities not listed in subsections C.1 and C.2 of this Table A for 23.45.504, and major expansions of such public facilities	Type IV or Type V decision <sup>3</sup>	Type IV or Type V decision <sup>3</sup> ))
C. Uses in existing or former public schools		
C.1. Child care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly and similar uses in existing or former public schools.	P	P
C.2. Other non-school uses in existing or former public schools	Permitted pursuant to procedures established in Chapter 23.78	Permitted pursuant to procedures established in Chapter 23.78
D. Park and pool and park and ride lots	X/CU(( <sup>4</sup> )) <sup>2</sup>	X/CU(( <sup>4</sup> )) <sup>2</sup>
E. Parks and playgrounds including customary uses	P	P
F. Ground floor commercial uses(( <sup>5</sup> ))	RC	P <sup>3</sup>
G. Medical Service Uses other than permitted ground floor commercial uses	P/X(( <sup>6</sup> )) <sup>4</sup>	P/CU/X(( <sup>6</sup> )) <sup>4</sup>
H. Uses not otherwise permitted in landmark structures	CU	CU
I. Cemeteries	P/X(( <sup>7</sup> )) <sup>5</sup>	P/X(( <sup>7</sup> )) <sup>5</sup>
J. Community Gardens	P	P

**Table A for 23.45.504: Permitted and Prohibited Uses**

K. All other uses	X	X
<p><u>Footnotes to Table A for 23.45.504</u></p> <p>1. Institutions meeting development standards are permitted outright; all others are administrative conditional uses pursuant to Section 23.45.506. The provisions of this Chapter 23.45 shall apply to Major Institution uses as provided in Chapter 23.69.</p> <p><del>((2. These public facilities are subject to the same use regulations and development standards that govern the similar use.))</del></p> <p><del>((3. These public facilities may be permitted pursuant to Section 23.51A.004.))</del></p> <p><del>((4))</del>2. Prohibited in Station Area Overlay Districts; otherwise, permitted as an administrative conditional use pursuant to Section 23.45.506.</p> <p><del>((5))</del>3. Subject to subsection 23.45.504.E.</p> <p><del>((6))</del>4. Subject to subsection 23.45.504.G and 23.45.506.F.</p> <p><del>((7))</del>5. Subject to subsection 23.45.504.F.</p> <p>P = Permitted outright  CU = Permitted as an Administrative Conditional Use  RC = Permitted in areas zoned Residential Commercial (RC) <del>((zones))</del>, and subject to the provisions of the RC zone, Chapter 23.46(:)  <u>X = Prohibited</u></p>		

C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to the standards in Section 23.45.545, if applicable:

1. Private garages and carports;
2. Private, permanent swimming pools, hot tubs and other similar uses;
3. Solar collectors, including solar greenhouses;
4. Open wet moorage accessory to residential structures;
5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;
6. Bed and breakfasts in a dwelling unit that is at least five years old;
7. Recycling collection stations ~~((and))~~;
8. Urban farms with planting area not more than 4,000 square feet. Urban farms

with greater than 4,000 square feet of planting area may be allowed as an administrative

conditional use to any use permitted outright or as a conditional use. The Director may grant,  
condition or deny a conditional use permit in accordance with subsection 23.42.051.B; and

9. Accessory dwelling units.

\* \* \*

Section 25. Section 23.45.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, and as shown in Attachment A to this ordinance, is repealed.

Section 26. Subsection F of Section 23.45.506 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**Section 23.45.506 Administrative ((~~C~~))conditional ((~~U~~))uses**

\* \* \*

F. In addition to medical service uses permitted as ground floor commercial uses pursuant to subsection 23.45.504.E, medical service uses occupying over 4,000 square feet may be permitted in Highrise zones as administrative conditional uses on lots that are at least 25,000 square feet in size, have not been in residential use since January 1, 1989, and are located on a block that abuts a Neighborhood Commercial zone on at least two entire sides of the block (defined for the purpose of this subsection 23.45.506.F as an area((~~s~~)) bounded by street lot lines).

1. In order to approve a medical service use, the Director must determine that the medical service use is an expansion of an existing medical service business establishment in the immediate vicinity that is not a major institution.

2. Design review is required.

3. The development standards in Sections 23.45.510, 23.45.514, 23.45.516, 23.45.518, 23.45.520, and 23.45.536 do not apply to the portion of the structure occupied by medical service uses, except as specified in this subsection 23.45.506.F. Portions of the structure occupied by medical service uses shall meet the following development standards:

a. The maximum height for the portions of structures containing medical office uses is 108 feet, except that the provisions for green roofs and rooftop features in ~~((subsection))~~ Section 23.45.514~~((E and rooftop features in subsection 23.45.514.F))~~ apply.

b. The average of the gross floor area of stories in medical service use above 45 feet in height shall not exceed 60 percent of the area of the lot.

#### 4. Setbacks

a. Setbacks shall be required as shown on Table A for 23.45.506.

**Table A for 23.45.506: Setback Requirements for Medical Office Uses (all measurements in feet)**

Elevation of Facade or Portion of Facade from Existing Grade	Setback on Street Frontages	Setback on Alley Frontages	Setback on shared lot lines
45(′) or less	7(′) average, 5(′) minimum	0(′)	7(′) average, 5(′) minimum
More than 45(′) up to 108(′)	10(′) average, 7(′) minimum	10(′)	15(′) average, 10(′) minimum

b. If the ground floor of a street facade is in use as a child care center, community center, or commercial use permitted on the ground floor by Section 23.45.504, no setback is required for the portion of the street facade that is 45(′) feet in height or less.

c. If a lot abutting the lot is developed to the side lot line, portions of the proposed development that are 45 feet in height or less may be joined to the abutting structure.

d. Projections into required setbacks, and structures in required setbacks,  
are permitted pursuant to ~~((as provided for in subsection))~~ Section 23.45.518 ~~((F, and structures~~  
~~in required setbacks are permitted as provided for in subsections 23.45.518.G)).~~

5. A minimum of 25 percent of the lot area shall be provided as landscaped open  
space at ground level. Except as provided in this subsection 23.45.506.F.5, no horizontal  
dimension for required open space shall be less than 10 feet, nor shall any required open space  
area be less than 225 square feet. The following additional areas may be included in the  
calculation of required ground level open space:

a. Area in the public right-of-way of a neighborhood green street  
designated in Section 23.45.516 abutting the lot that is improved according to a plan approved by  
the Director, in consultation with the Director of the Department of Transportation; except that  
the Director may waive the requirement that the neighborhood green street abut the lot and allow  
the improvements to be made to a neighborhood green street located in the general vicinity of the  
project, if such an improvement is determined to be beneficial to the occupants of the project;  
and

b. Landscaped area in the public right-of-way that abuts the required open  
space on the lot, when the landscaping contributes to achievement of the Green Factor score  
required in subsection 23.45.506.F.6. below.

6. The landscaping and screening requirements of Section 23.45.524 apply, except  
that the required Green Factor score is 0.3 or greater, pursuant to Section 23.86.019.

7. Parking shall be required as provided in Chapter 23.54.

1 8. The Director shall determine the location of access to parking. In order to  
2 promote pedestrian safety and comfort, ~~((the))~~ access via an alley is preferred. Where street  
3 access is deemed appropriate, due to safety hazards, topography, or other special conditions of  
4 the lot, the number of curb cuts and the width of curb cuts, driveways, and garage openings shall  
5 be minimized.

6  
7 9. No surface area parking shall be provided, and no parking shall be located at or  
8 above grade, unless it is separated from all street lot lines by another use.

9 10. The preferred access to loading berths shall be from an alley if the lot abuts an  
10 alley. Loading berths shall be located so that access to any residential parking is not blocked.

11 11. The Director shall determine the location of passenger load zones, based on  
12 safety considerations, minimizing conflicts with automobile and pedestrian traffic, reducing  
13 impacts on any nearby residential uses, and the efficient operation of the medical service use.

14 12. Identifying signs shall be permitted according to Chapter 23.55, Signs.

15 13. For mixed use structures containing both medical service uses and residential  
16 uses, the portion of the structure in residential use shall meet the requirements of the HR zone,  
17 except as modified by the following:  
18

19 a. The maximum width and floor size limits in Section 23.45.520 apply to  
20 any portion of the structure in residential use above 45 feet in height.

21 b. ~~((Residential amenity))~~ Amenity areas shall be provided according to  
22 the provisions of Section 23.45.522. Open space required at ground level pursuant to subsection  
23 23.45.506.F.5 may be ~~((included))~~ counted as ~~((residential))~~ amenity area if it meets the  
24 applicable development standards of ~~((subsection))~~ Section 23.45.522~~((B))~~.  
25  
26  
27  
28



c. No landscaped open space is required in addition to the open space required in subsection 23.45.506.F.5.

\* \* \*

Section 27. Section 23.45.508 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended as follows:

**23.45.508 General provisions**

A. Except for structures related to an urban farm, a structure occupied by a permitted use other than a residential use may be partially or wholly converted to a residential use even if the structure does not conform to the development standards for residential uses in multifamily zones.

B. Off street parking shall be provided if required in Section 23.54.015, except that one residential unit may be added to a residential structure without a parking space pursuant to subsection 23.54.020.A.

C. Expansions of nonconforming converted structures and conversions of structures occupied by nonconforming uses are regulated by Sections 23.42.108 and 23.42.110.

D. Methods for measurements are provided in Chapter 23.86. Requirements for streets, alleys and easements are provided in Chapter 23.53. Standards for parking and access and design are provided in Chapter 23.54. Standards for solid waste and recyclable materials storage space are provided in Section 23.54.040. Standards for signs are provided in Chapter 23.55.

E. Assisted living facilities and nursing homes shall meet the development standards for apartments unless otherwise specified.

1                   F. Congregate residences shall meet the development standards for townhouse  
2                   developments unless otherwise specified.

3                   G. Single-family dwelling units. In Lowrise zones, single-family dwelling units shall  
4                   meet the development standards for townhouse developments, except that Section 23.45.529,  
5                   Design standards, does not apply. In MR and HR zones, single-family dwelling units shall meet  
6                   the development standards of the zone.

7  
8                   ((2))H. Proposed uses in all multifamily zones are subject to the transportation  
9                   concurrency level-of-service standards prescribed in Chapter 23.52.

10                   ((E))I. ~~((Development standards))~~Lots with no street frontage. For purposes of structure  
11                   width, depth, and setbacks, multifamily zoned lots that have no street frontage are subject to the  
12                   following:

13  
14                               ((a))1. For lots that have only one alley lot line, the alley lot line ~~((may))~~  
15                   shall be treated as a front lot line.

16                               ((b))2. For lots that have more than one alley lot line, ~~((only))~~ the Director  
17                   shall determine which ~~((one))~~ alley lot line ~~((may))~~ shall be treated as ~~((a))~~ the front lot line.

18                               ((c))3. For lots that have no alley lot lines, the applicant may choose the  
19                   front lot line provided that the selected front lot line length is at least 50 percent of the width of  
20                   the lot.

21  
22                   ~~((2. Proposed uses in all multifamily zones are subject to the transportation~~  
23                   ~~concurrency level-of-service standards prescribed in Chapter 23.52.))~~

24                   ((3))J. All use provisions and development standards applicable to MR zones, except  
25                   maximum height, also apply in the MR/85 zone.  
26

K. Any other provision of the Seattle Municipal Code notwithstanding, an applicant is not entitled to a permit for any use or development on a lot in a Lowrise zone that would be inconsistent with any term, condition, or restriction contained either in any recorded agreement that is in effect as to that lot and was made in connection with a rezone of the lot to LDT, L1, L2, L3, or L4, or in any City Council decision or ordinance related to a rezone of the lot to LDT, L1, L2, L3, or L4 conditioned on a recorded agreement prior to the effective date of the ordinance introduced as Council Bill \_\_\_\_\_.

~~((F. Solid Waste and Recyclable Materials Storage Space.~~

~~1. Storage space for solid waste and recyclable materials containers shall be provided for all new and expanded multifamily structures as indicated in Table A for 23.45.508. For the purposes of this subsection, “expanded multifamily structure” means expansion of multifamily structures with ten or more existing units by two or more units.~~

~~**Table A for 23.45.508: Storage space for Solid Waste and Recyclable Materials Containers**~~

<b>Multifamily Structure Size</b>	<b>Minimum Area for Storage Space</b>	<b>Container Type</b>
7-15 units	75 square feet	Rear loading containers
16-25 units	100 square feet	Rear loading containers
26-50 units	150 square feet	Front loading containers
51-100 units	200 square feet	Front loading containers
More than 100 units	200 square feet plus 2 square feet for each additional unit	Front loading containers

~~2. The design of the storage space shall meet the following requirements:~~

~~a. The storage space shall have no minimum dimension (width and depth) less than 6 feet;~~

b. ~~The floor of the storage space shall be level and hard surfaced (garbage or recycling compactors require a concrete surface); and~~

c. ~~If located outdoors, the storage space shall be screened from public view and designed to minimize any light and glare impacts.~~

3. ~~The location of the storage space shall meet the following requirements:~~

a. ~~The storage space shall be located on the lot of the structure it serves and, if located outdoors, it shall not be located between a street facing I of the structure and the street;~~

b. ~~The storage space shall not be located in any required driveways, parking aisles, or parking spaces for the structure;~~

c. ~~The storage space shall not block or impede any fire exits, public rights-of ways or any pedestrian or vehicular access; and~~

d. ~~The storage space shall be located to minimize noise and odor to building occupants and neighboring developments.~~

4. ~~Access to the storage space for occupants and service providers shall meet the following requirements:~~

a. ~~For rear-loading containers (usually 2 cubic yards or smaller):~~

1) ~~Any proposed ramps to the storage space shall be of 6 percent slope or less, and~~

2) ~~Any proposed gates or access routes shall be a minimum of 6 feet wide; and~~

b. ~~For front-loading containers (usually larger than 2 cubic yards):~~

1 ~~1) Direct access shall be provided from the alley or street to the~~  
2 ~~containers,~~

3 ~~2) Any proposed gates or access routes shall be a minimum of 10~~  
4 ~~feet wide, and~~

5 ~~3) When accessed directly by a collection vehicle into a structure, a~~  
6 ~~21 foot overhead clearance shall be provided.~~

7  
8 ~~5. The Director, in consultation with the Director of Seattle Public Utilities, shall~~  
9 ~~have the discretion to modify the requirements of subsections 23.45.508.F.1 through F.4 under~~  
10 ~~the following circumstances:~~

11 ~~a. When the applicant can demonstrate difficulty in meeting any of the~~  
12 ~~requirements of subsections 23.45.508.F.1 through F.4; or~~

13  
14 ~~b. When the applicant proposes to expand a multifamily building, and the~~  
15 ~~requirements of subsections 23.45.508.F.1 through F.4 conflict with opportunities to increase~~  
16 ~~residential densities; and~~

17 ~~c. When the applicant proposes alternative, workable measures that meet~~  
18 ~~the intent of this Section 23.45.508.~~

19  
20 ~~6. The solid waste and recyclable materials storage space specifications required~~  
21 ~~in subsections 23.45.508.F.1 through F.4, in addition to the number and sizes of containers, shall~~  
22 ~~be included on the plans submitted with the permit application.))~~

23 Section 28. Nine sections of the Seattle Municipal Code, Section 23.45.009 Structure  
24 Height, which section was last amended by Ordinance 123209; Section 23.45.010 Lot Coverage  
25 Limits, which section was last amended by Ordinance 118794; Section 23.45.011 Structure  
26

width and depth, which section was last amended by Ordinance 114888; 23.45.012 Modulation, which section was last amended by Ordinance 120117; Section 23.45.014 Setbacks, which section was last amended by Ordinance 123209; Section 23.45.015 Screening and Landscaping, which section was last amended by Ordinance 121477; Section 23.45.016 Open Space Requirements, which section was last amended by Ordinance 123046; Section 23.45.017 Light and Glare, which section was last amended by Ordinance 115043; and Section 23.45.018, Parking and Access, which section was last amended by Ordinance 120611; all for Lowrise zones, as shown in Attachment A to this ordinance, are repealed.

Section 29. Section 23.45.510 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.510 Floor area ratio (FAR) limits ((~~in Midrise and Highrise Zones~~))**

~~((A. Floor area ratio (FAR) limits apply to all structures and lots in Midrise and Highrise zones as shown in Table A for 23.45.510.))~~

A. General provisions.

1. All gross floor area not exempt under subsection 23.45.510.~~((B))~~D counts toward the maximum gross floor area allowed under the floor area ratio (FAR) limits.

2. The applicable FAR limit applies to the total non-exempt gross floor area of all structures on the lot ~~((, subject to subsection 23.45.510.A.3))~~.

3. ~~((When))~~If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone, and ~~((for the entire lot is the sum of the limits that would apply to the portion of the lot located in each zone, but))~~ the floor area on the portion of

the lot with the lower FAR limit may not exceed the amount that would be permitted if it were a separate lot.

**B. FAR limits in LR zones**

Floor area ratio limits apply in LR zones as shown in Table A for 23.45.510.

<b>Table A for 23.45.510: Floor Area Ratios in Lowrise Zones</b>					
<b>Zone</b>	<b>Location</b>	<b>Category of Residential Use<sup>(1)</sup></b>			
	<b><u>Outside or Inside Urban Centers, Urban Villages, and the Station Area Overlay District</u></b>	<b><u>Cottage Housing Developments and Single-Family Dwelling Units</u></b>	<b><u>Rowhouse Developments<sup>(2)</sup></u></b>	<b><u>Townhouse Developments<sup>(2)</sup></u></b>	<b><u>Apartments<sup>(2)</sup></u></b>
<b><u>LR1</u></b>	<u>Either outside or inside</u>	<u>1.1</u>	<u>1.0 or 1.2</u>	<u>0.9 or 1.1</u>	<u>1.0</u>
<b><u>LR2</u></b>	<u>Either outside or inside</u>	<u>1.1</u>	<u>1.1 or 1.3</u>	<u>1.0 or 1.2</u>	<u>1.1 or 1.3</u>
<b><u>LR3</u></b>	<u>Outside</u>	<u>1.1</u>	<u>1.2 or 1.4</u>	<u>1.1 or 1.3</u>	<u>1.3 or 1.5</u>
	<u>Inside</u>	<u>1.1</u>	<u>1.2 or 1.4</u>	<u>1.2 or 1.4</u>	<u>1.5 or 2.0</u>
Footnotes for A for 23.45.510:					
<sup>(1)</sup> If more than one type of residential use is provided on a lot, the FAR limit for each residential use is the higher FAR limit for each residential use in this Table A for 23.45.510 only if the conditions in subsection 23.45.510.C are satisfied for all residential uses on the lot.					
<sup>(2)</sup> The higher FAR limit applies if the project meets the standards of subsection 23.45.510.C.					

**C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for 23.45.510, the following standards shall be met:**

**1. Applicants shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the**

Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS). The standards referred to in this subsection 23.45.510.C.1 are those identified in Section 23.45.526, and that section shall apply as if the application were for new development gaining extra residential floor area.

2. For all categories of residential use, if the lot abuts an alley and the alley is used for access, improvements to the alley shall be required as provided in subsections 23.53.030.E and F, except that the alley shall be paved rather than improved with crushed rock, even for lots containing fewer than ten dwelling units.

3. Parking location.

a. For rowhouse and townhouse developments, parking shall be located in an enclosed area that is below grade or that projects a maximum of 4 feet above finished grade, or in a parking area or structure at the rear of the lot.

b. For apartments, parking shall be located in an enclosed area that is below grade or that projects a maximum of 4 feet above finished grade.

4. Access to parking.

a. Access to required barrier-free parking spaces may be from either a street or an alley. Subsections 23.45.510.C.4.b, c, and d do not apply to required barrier-free parking spaces.

b. If the lot abuts an alley, access to parking shall be from the alley, unless one or more of the conditions in subsection 23.45.536.D.2 are met.



c. If access cannot be provided from an alley, access shall be from a street if the following conditions are met:

1) on corner lots, the driveway shall abut and run parallel to the rear lot line of the lot.

2) on a non-corner lot, there is no more than one driveway per 160 feet of street frontage.

d. if access to parking does not meet one of the standards in this subsection 23.45.510.C.4, or if an exception is granted that allows parking access from both an alley and a street pursuant to subsection 23.45.536.C, the lower FAR limit on Table A for 23.45.510 applies.

~~((B))~~D. FAR limits in MR and HR zones.

1. ~~((Floor area ratio-))~~FAR~~(( ))~~ limits apply to all structures and lots in Midrise and Highrise zones as shown in Table ~~((A))~~B for 23.45.510.

<b>Table <del>((A))</del><u>B</u> for 23.45.510: Floor Area Ratios in MR and HR zones</b>		
	<b>MR</b>	<b>HR</b>
Base FAR	3.2	8 <del>((-0))</del> on lots 15,000 square feet or less in size; 7 <del>((-0))</del> on lots larger than 15,000 square feet
Maximum FAR, allowed pursuant to Chapter 23.58A and Section 23.45.516	4.25	13 for structures 240 feet or less in height; 14 for structures over 240 feet

~~((B))~~E. The following floor area is exempt from FAR limits:

1. All underground stories, ~~((or portions of a story that extend no more than 4 feet above existing or finished grade whichever is lower. See Exhibit A for 23.45.510.))~~

2. The floor area contained in a ~~((designated Seattle))~~ landmark structure subject to controls and incentives imposed by a designating ordinance, ~~((when))~~ if the owner of the

landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, except that this exemption does not apply to a lot from which a transfer of development potential has been made under Chapter 23.58A, and does not apply for purposes of determining TDP available for transfer under Chapter 23.58A.

3. Structures built prior to January 1, 1982 as single-family dwelling units that will remain in residential use, provided that:

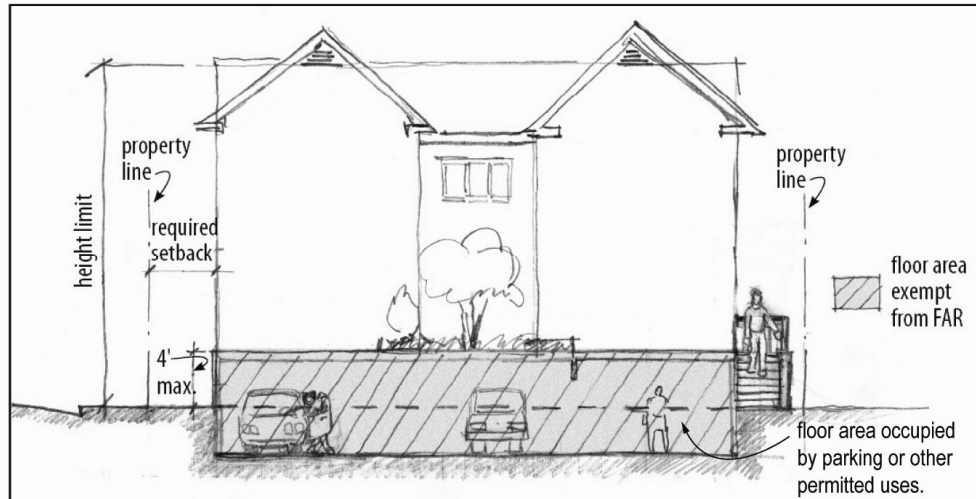
a. no new principal structure is located between that structure and a street lot line, and

b. the exemption is limited to the gross square footage in the structure as of January 1, 1982.

4. For apartments in LR zones that qualify for the higher FAR limit shown in Table A for 23.45.510, portions of a story that extend no more than 4 feet above existing or finished grade, whichever is lower. See Exhibit A for 23.45.510.

#### **Exhibit A for 23.45.510: Area Exempt from FAR**

**Exhibit A for 23.45.510: Area Exempt from FAR**



5. For townhouse developments and apartments that qualify for the higher FAR limit shown in Table A for 23.45.510, floor area within a structure or portion of a structure that is partially above grade and has no additional stories above, if the following conditions are met:

a. The average height of the exterior walls enclosing the floor area does not exceed 4 feet, measured from existing or finished grade, whichever is less;

b. The roof area above the exempt floor area is predominantly flat, is used as amenity area, and meets the standards for amenity area at ground level in subsection 23.45.522.E;

c. At least 25 percent of the perimeter of the amenity area on the roof above the floor area is not enclosed by the walls of the structure; and

d. The amenity area is no more than 4 feet above the grade at a point where pedestrian access is provided to the lot.

~~((3))~~6. Enclosed common ~~((residential))~~ amenity ~~((space))~~ area in Highrise zones.

~~((4))~~7. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not exempt under this subsection~~((s~~  
~~((B))D.1 through ((B))D.3 of this Section))~~ 23.45.510.D.

~~((5))~~8. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the ~~((exempt space))~~ commercial uses has a minimum floor to floor height of 13 feet and a minimum depth of 15 feet.

~~((C))~~E. If TDP is transferred from a lot pursuant to Section 23.58A.018, the amount of non-exempt floor area that may be permitted is the applicable base FAR, plus any net amount of TDP previously transferred to the lot, minus the sum of the existing non-exempt floor area on the lot and the amount of TDP transferred.

Section 30. Sections 23.45.008 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is recodified and amended as follows:

~~((23.45.008))~~ **23.45.512 Density limits—Lowrise zones**

A. There shall be a minimum lot area per dwelling unit in LR zones for cottage housing developments, townhouse developments, and apartments, as shown on Table A for 23.45.512, except as provided in subsections B, C, D, E, ((and F)), and G of this ~~((s))~~ Section 23.45.512~~((, as follows:))~~.

<del>((Lowrise Duplex/Triplex</del>	<del>—One (1) dwelling unit per two thousand (2,000) square feet of lot area.</del>
<del>Lowrise 1</del>	<del>—One (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area.</del>
<del>Lowrise 2</del>	<del>—One (1) dwelling unit per one thousand two hundred (1,200) square feet of lot area.</del>
<del>Lowrise 3</del>	<del>—One (1) dwelling unit per eight hundred (800) square feet of lot area.</del>
<del>Lowrise 4</del>	<del>—One (1) dwelling unit per six hundred (600) square feet of lot area.))</del>

**Table A for 23.45.512: Density Limits in Lowrise Zones**

<b><u>Zone</u></b>	<b><u>Units allowed per square foot of lot area by category of residential use</u></b>			
	<b><u>Cottage Housing Development<sup>(1)</sup> and Single-family Dwelling Unit</u></b>	<b><u>Rowhouse Development</u></b>	<b><u>Townhouse Development<sup>(2)</sup></u></b>	<b><u>Apartment<sup>(3)</sup></u></b>
<b><u>LR1</u></b>	<u>1/1,600</u>	<u>No limit</u>	<u>1/2,200 or 1/1,600</u>	<u>1/2,000 Duplexes and Triplexes only</u>
<b><u>LR2</u></b>	<u>1/1,600</u>	<u>No limit</u>	<u>1/1,600 or No limit</u>	<u>1/1,200 or No limit</u>
<b><u>LR3</u></b>	<u>1/1,600</u>	<u>No limit</u>	<u>1/1,600 or No limit</u>	<u>1/800 or No limit</u>

Footnotes for Table A for 23.45.512

<sup>(1)</sup>See Section 23.45.531 for specific regulations about cottage housing developments.

<sup>(2)</sup>For townhouse developments that meet the standards of subsection 23.45.510.C, the higher density shown is permitted in LR1 zones, and there is no density limit in LR2 and LR3 zones.

<sup>(3)</sup>For apartments that meet the standards of subsection 23.45.510.C, there is no density limit in LR2 and LR3 zones.

**B. Density exception for certain types of low-income multifamily residential uses.**

1. The exception in this subsection 23.45.512.B applies to ((In Lowrise 3 and Lowrise 4 zones,)) low-income disabled multifamily ((structures))residential uses, low-income elderly multifamily ((structures)) residential uses, and low-income elderly/low-income disabled

multifamily ~~((structures))~~ residential uses, operated by a public agency or a private nonprofit corporation, if they do not qualify for the higher FAR limit shown in Table A for 23.45.510.

2. The uses listed in subsection 23.45.512.B.1 shall have a maximum density of one~~((as follows:~~

Lowrise 3 ~~— One (1) of dwelling unit per five hundred fifty (550) square feet of lot area.~~

Lowrise 4 ~~— One (1)) dwelling unit per ((four hundred (-))400((-)) square feet of lot area if ((2. In order to qualify for the density provisions of this subsection 23.45.512.B,)) a majority of the dwelling units ((of the structure shall be)) are designed for and dedicated to tenancies of at least three ((3)) months((-)), and the ((3. The)) dwelling units ((shall)) remain ((as a)) in low-income disabled multifamily ((structure)) residential use, low-income elderly multifamily ~~((structure)) residential use~~, or low-income elderly/low-income disabled multifamily ~~((structure)) residential use~~ for the life of the structure.~~

C. ~~((In the Lowrise Duplex/Triplex zone, the minimum lot area per dwelling unit for cottage housing developments shall be one (1) dwelling unit per one thousand six hundred (1,600) square feet of lot area. In Lowrise Duplex/Triplex and Lowrise 1 zones, the minimum lot area for cottage housing developments shall be six thousand four hundred (6,400) square feet.))~~  
Carriage houses, nursing homes, congregate housing, assisted living facilities, and accessory dwelling units that meet the standards of Section 23.45.545, are exempt from the density limit set in Table A for 23.45.512.

D. In ~~((Lowrise Duplex/Triplex))~~ LR1 zones no ~~((structure))~~ apartment shall contain more than three ~~((3))~~ dwelling units((-)), except as permitted in subsections 23.45.512.E and G.

E. Dwelling unit(s) located in structures built prior to January 1, 1982 as single-family dwelling units that will remain in residential use are exempt from density limits and the provisions of subsection 23.45.512.D.

~~((E))~~F. ~~((When))~~ If dedication of right-of-way is required, permitted density shall be calculated before the dedication is made.

~~((F))~~G. Adding Units to Existing Structures ~~((in Multifamily zones))~~.

1. ~~((In all multifamily zones, one))~~One additional dwelling unit may be added to an existing multifamily ~~((structure))~~ use regardless of the density restrictions in subsections 23.45.~~((008))~~512.A, B, C, and D above, and regardless of the ~~((open space))~~ amenity area requirements in Section 23.45.~~((046))~~522. An additional unit is allowed only if the proposed additional unit is to be located entirely within an existing structure, and no additional floor area is proposed to be added to the existing structure.

2. For the purposes of this subsection 23.45.512.G "existing multifamily ~~((structures))~~uses" are those structures or portions of structures that were established under permit as of October 31, 2001, or for which a permit has been granted and the permit has not expired on October 31, 2001.

Section 31. Section 23.45.514 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended as follows:

**23.45.514 Structure height ~~((in Midrise and Highrise zones))~~**

A. Subject to the additions and exceptions allowed as set forth in this Section 23.45.514, the height limits for principal structures permitted in Lowrise zones are as shown on Table A for 23.45.514.

**Table A for 23.45.514: Structure Height for Lowrise Zones in Feet**

<b><u>Housing Type</u></b>	<b><u>LR1</u></b>	<b><u>LR2</u></b>	<b><u>LR3 outside Urban Centers, Urban Villages, and Station Area Overlay Districts</u></b>	<b><u>LR3 in Urban Centers, Urban Villages, and Station Area Overlay Districts</u></b>
<u>Cottage Housing Developments</u>	<u>18</u>	<u>18</u>	<u>18</u>	<u>18</u>
<u>Rowhouse and Townhouse Developments</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Apartments</u>	<u>30</u>	<u>30</u>	<u>30<sup>1</sup></u>	<u>40<sup>2</sup></u>

Footnotes for Table A for 23.45.514:

<sup>1</sup>On lots located in the Delridge High Point Revitalization Area shown in Map A for Section 23.34.020 that were rezoned to Lowrise 4 subject to a property use and development agreement that was signed by a public agency, the height limit for apartments is 40 feet.

<sup>2</sup>The height limit is 30 feet on the portions of lots that are within 50 feet of a single-family zoned lot, unless the lot in the LR zone is separated from a single-family zoned lot by a street.

B. The ~~((Base-))~~base and maximum height limits for principal structures ~~((heights))~~ permitted in Midrise and Highrise zones are as shown in Table ~~((A))~~B for 23.45.514, subject to the additions and exceptions allowed as set forth in this Section 23.45.514. ~~((The maximum height limit for accessory structures is 12 feet.))~~

**Table ~~((A))~~B for 23.45.514: Structure Height for Midrise and Highrise Zones, in Feet**

	<b><u>MR</u></b>	<b><u>MR/85</u></b>	<b><u>HR</u></b>
Base height limit	60	85	160
Maximum height limit if extra residential floor area is gained under Chapter 23.58A and Section 23.45.516	75	85	240 or 300



1       C. The maximum height for structures other than principal structures is 12 feet, except as  
2 follows:

3               1. Garages and carports are limited to 12 feet in height as measured on the façade  
4 containing the vehicle entrance. Open rails may extend an additional 3 feet above the roof of the  
5 garage or carport if any portion of the roof is within 4 feet of existing grade.

6               2. The height limit is 20 feet for an accessory structure that contains an accessory  
7 dwelling unit for a rowhouse or townhouse unit. The height limit for an accessory dwelling unit  
8 that is accessory to a single-family dwelling unit shall be set according to Section 23.44.041.

9               3. Flagpoles and religious symbols for religious institutions are exempt from  
10 height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided  
11 they are no closer to any lot line than 50 percent of their height above existing grade.

12       D. Exceptions for ((P))pitched ((R))roofs in LR zones. Pitched roofs may extend above  
13 the height limits in Table A for 23.45.514 subject to the following limits, provided that all parts  
14 of the roofs above the height limit have a minimum slope of 6:12, except as provided in  
15 subsection 23.45.514.D.6:

16               1. For cottage housing developments in all LR zones, the ridge of pitched roofs on  
17 principal structures may extend up to 7 feet above the height limit.

18               2. In LR1 and LR2 zones, for structures subject to a 30 foot height limit  
19 according to Table A for 23.45.514, the ridge of pitched roofs on principal structures may extend  
20 up to 5 feet above the height limit if the height exception in subsection 23.45.514.E is not used.

21               3. In LR3 zones, for structures subject to a 30 foot height limit according to Table  
22 A for 23.45.514, the ridge of pitched roofs on principal structures may either:

a. extend up to 10 feet above the height limit, if the height exception provided in 23.45.514.E is not used; or

b. extend up to 5 feet above the height limit, if the height exception provided in 23.45.514.E is used.

4. In LR3 zones, for structures subject to a 40 foot height limit according to Table A for 23.45.514, the ridge of pitched roofs on principal structures may extend up to 5 feet above the height limit provided that the height exception in subsection 23.45.514.E is not used.

5. Portions of curved roof forms, such as barrel and domed roofs, may have a lesser slope than 6:12, if the Director determines that the massing of the roof form is comparable to a pitched roof form such as a gable or gambrel roof that would have a minimum slope of 6:12.

E. For apartments in LR2 zones, and for all residential uses in LR3 zones, the applicable height limit is increased 4 feet above the height shown on Table A for 23.45.514 for a structure that includes a story that is partially below grade, provided that:

1. This height exception does not apply to portions of lots that are within 50 feet of a single-family zoned lot, unless the lot in the LR zone is separated from a single-family zoned lot by a street;

2. The number of stories above the partially above grade story is limited to three stories for residential uses with a 30 foot height limit and to four stories for residential uses with a 40 foot height limit;

3. The street-facing façade of the portion of the story that is partially above grade is at least 18 inches above finished grade, except that this requirement may be waived to

accommodate units accessible to the disabled or elderly, consistent with the Seattle Residential Code, Section R322, or the Seattle Building Code, Chapter 11; and

4. The average height of the exterior facades of the portion of the story that is partially above grade does not exceed 4 feet, measured from existing or finished grade, whichever is less.

~~((B))~~F. In MR zones, the base height limit ~~((may be))~~ is increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:

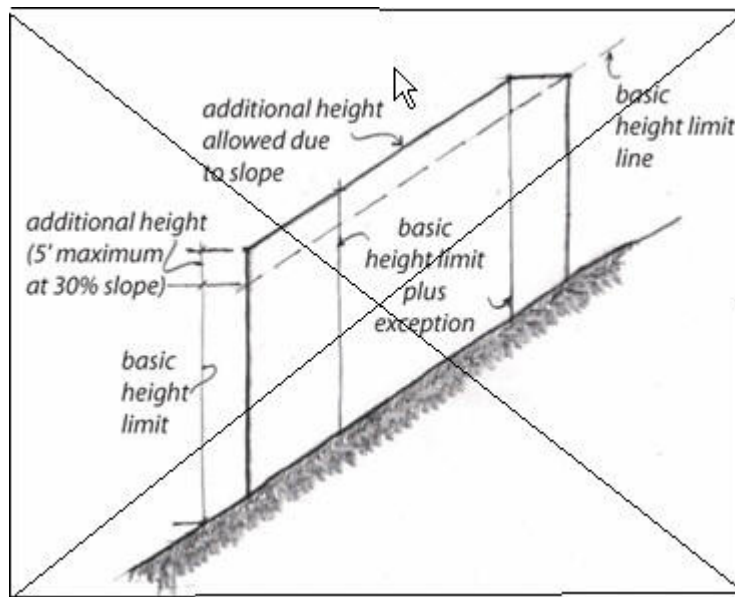
1. The FAR exemption provided in Section 23.45.510.~~((B))~~D.1 is used;

2. ~~((The structure has))~~ All stories in the structure, except stories used only for parking, have floor to ceiling heights of ~~((more than nine))~~ 9 feet or more; or

3. The ~~((site))~~ lot is split between a MR zone and an NC zone, ~~((that allows a structure height of))~~ and the base structure height allowed on the NC-zoned portion is 65 feet or more.

~~((C. Sloped Lots. In zones with height limits that are less than 85 feet, additional height is permitted for sloped lots, at the rate of 1 foot for each 6 percent of slope, to a maximum additional height of 5 feet. The additional height is permitted on the down-slope side of the structure only, as described in Section 23.86.006.D. See Exhibit A for 23.45.514.))~~

~~((Exhibit A for 23.45.514: Sloped Lot Height Allowance))~~



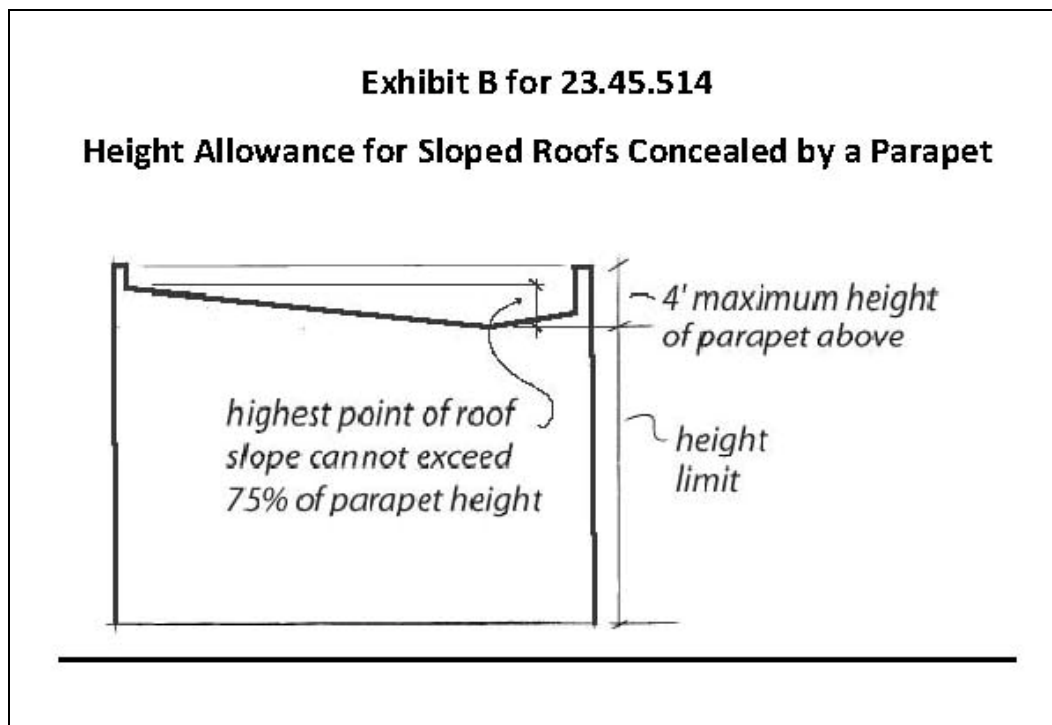
~~((D. In MR zones, the base height limit may be increased by 5 feet if the number of stories in the structure that are more than 4 feet above existing or finished grade, whichever is lower, does not exceed six, and one or more of the following conditions is met:~~

- ~~1. The FAR exemption provided in Section 23.45.510.B.1 is used;~~
- ~~2. The structure has floor to ceiling heights of more than nine feet; or~~
- ~~3. The site is split between a MR zone and an NC zone that allows a structure~~

~~height of 65 feet or more.))~~

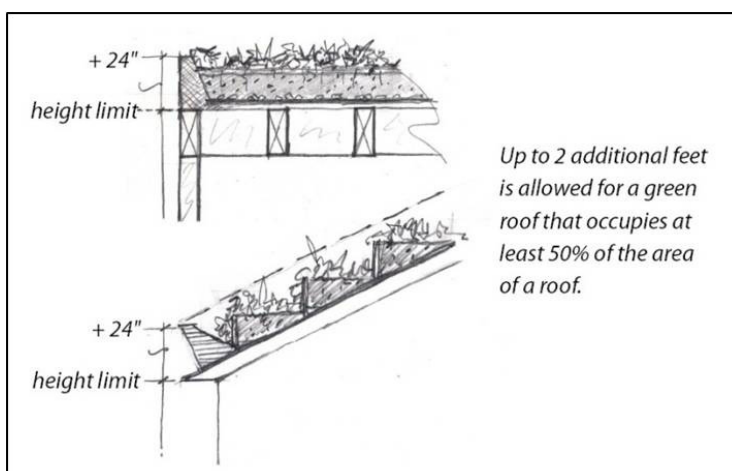
~~((E))~~G. Roofs enclosed by a parapet. ((To promote adequate drainage, portions of a roof)) Roof surfaces that are completely surrounded by a parapet may exceed the applicable height limit to allow for a slope, provided that the height of the highest ((point)) elevation of the ((slope)) roof surface does not exceed 75 percent of the parapet height, and provided that the lowest elevation of the roof surface is no higher than the applicable height limit ((the height limit by more than 75 percent of the height of the parapet)). See Exhibit B for 23.45.514.

**Exhibit B for 23.45.514: Height Allowance for Sloped Roofs Concealed by a Parapet**



~~((F))~~H. Green roofs. For any structure with a green roof (~~((meeting the provisions of Section 23.45.524 and having a minimum rooftop coverage of covering))~~) that meets standards promulgated by the Director and that covers at least 50 percent of the surface of the roof, up to 2 feet of additional height above the maximum height otherwise allowed for the roof (~~((limit))~~) is allowed to accommodate structural requirements, roofing membranes, and soil. See Exhibit C for 23.45.514.

**Exhibit C for 23.45.514: Green Roof Height Allowance**



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4  
5  
6  
7 ((G))I. Rooftop ((F))features.

8 1. Flagpoles and religious symbols for religious institutions are exempt from  
9 height controls, except as regulated in Chapter 23.64, Airport Height Overlay District, provided  
10 they are ~~((no closer to any lot line than 50 percent of their height above existing grade or, if~~  
11 ~~attached only to the roof,))~~ no closer to any lot line than 50 percent of their height above the roof  
12 portion where attached~~((, to any adjoining lot line))~~.

13  
14 2. Open ((R))railings, planters, skylights, clerestories, greenhouses not dedicated  
15 to food production, parapets and firewalls on the roofs of principal structures may extend 4 feet  
16 above the maximum height limit set in subsections A, B, E, and ((B))F of this Section 23.45.514.

17 3. Projections on pitched roofs that result in additional interior space, such as  
18 dormers, may extend to the height of the ridge of a pitched roof that is permitted to exceed the  
19 applicable height limit pursuant to subsection 23.45.514.D, if all of the following conditions are  
20 satisfied:

21  
22 a. the total area of the projections is limited to 30 percent of the area of  
23 each roof plane measured from the plan view perspective;

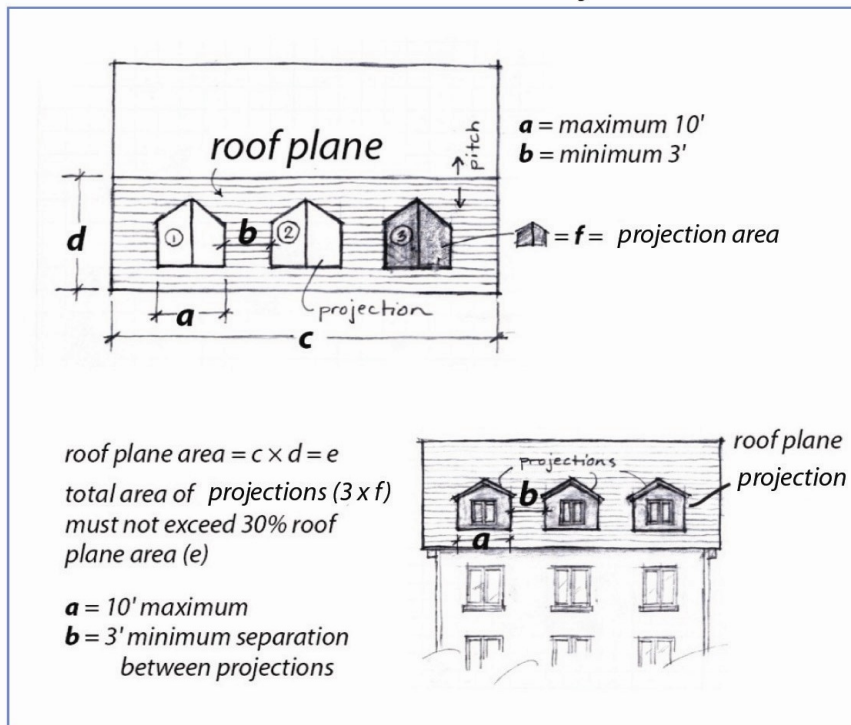
24 b. the projections are limited to 10 feet in width; and  
25  
26  
27  
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c. each projection is separated by at least 3 feet from any other projection

(see Exhibit D for 23.45.514).

**Exhibit D for 23.45.514: Permitted Projections on Pitched Roofs**

## Exhibit D for 23.45.514: Permitted Projections in LR Zones



((3))4. In LR zones, the following rooftop features may extend 10 feet above the height limit set in subsections 23.45.514.A and E, if the combined total coverage of all features does not exceed 15 percent of the roof area or 20 percent of the roof area if the total includes screened mechanical equipment:

- a. Mechanical equipment;
- b. Play equipment and open-mesh fencing that encloses it, if the fencing is at least 5 feet from the roof edge;
- c. Chimneys;
- d. Wind-driven power generators; and



e. Minor communication utilities and accessory communication devices,  
except that height is regulated according to the provisions of Section 23.57.011.

5. In MR and HR zones, ((The))the following rooftop features may extend 15 feet above the applicable height limit set in subsections 23.45.514.B, and ((€))F, ~~((so long as))~~ if the combined total coverage of all features does not exceed 20 percent of the roof area, or 25 percent of the roof area if the total includes screened mechanical equipment:

- a. Mechanical equipment;
- b. Play equipment and open-mesh fencing ~~((which))~~ that encloses it, ~~((so long as))~~ if the fencing is at least 5 feet from the roof edge;
- c. Chimneys;
- d. Sun and wind screens;
- e. Penthouse pavilions for the common use of residents;
- f. Greenhouses and solariums, in each case that meet minimum energy standards administered by the Director;
- g. Wind-driven power generators; and
- h. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.011.

~~((4))~~6. ~~((Stair))~~ Subject to the roof coverage limits in subsections 23.45.514.I.4 and 5, stair and elevator penthouses may extend above the applicable height limit up to 16 feet. ~~((When))~~ If additional height is needed to accommodate energy-efficient elevators in HR zones ~~((with height limits of 160 feet or greater))~~, elevator penthouses may extend the minimum amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable

height limit. Energy-efficient elevators shall be defined by Director's Rule. ~~((When))~~ If additional height is allowed for an energy-efficient elevator, stair penthouses may be granted the same additional height if they are co-located within a common ~~((the elevator))~~ penthouse structure.

~~((5))~~7. For height exceptions for solar collectors, see Section 23.45.545.~~((D))~~.

~~((6))~~8. In order to protect solar access for property to the north, the applicant shall either locate the rooftop features listed in this subsection 23.45.514.~~((G))~~I at least 10 feet from the north edge of the roof, or provide shadow diagrams to demonstrate that the proposed location of such rooftop features would shade property to the north on January 21<sup>st</sup> at noon no more than would a structure built to maximum permitted bulk:

- a. Solar collectors;
- b. Planters;
- c. Clerestories;
- d. Greenhouses and solariums ~~((which))~~ that meet minimum energy standards administered by the Director;
- e. Minor communication utilities and accessory communication devices, permitted according to the provisions of Section 23.57.011;
- f. ~~((Nonfirewall parapets))~~ Parapets;
- g. Play equipment;
- h. Sun and wind screens;
- i. Penthouse pavilions for the common use of residents.

1 ((7))9. For height limits and exceptions for communication utilities and devices,  
2 see Section 23.57.011.

3 ((8))10. Greenhouses that are dedicated to food production are permitted to extend  
4 15 feet above the applicable height limit, as long as the combined total coverage of all features  
5 gaining additional height listed in this subsection 23.45.514.((G))I does not exceed 50 percent of  
6 the roof area, and the greenhouse adheres to the setback requirements listed in subsection  
7 23.45.514.((G-6))I.8.

8  
9 ((9))11. Additional height in HR zones. A structure may exceed the applicable  
10 height limit in the HR zone as follows:

11 a. If the applicable height limit is 240 feet, the height of the structure may  
12 be increased by 30 feet if the area bounded by the facades of the portion of the structure above  
13 240 feet is no greater than 6,500 square feet, or if the area bounded by the facades at an elevation  
14 that is halfway between 240 feet and the height of the structure is no greater than 50 percent of  
15 the area bounded by the facades at a height of 240 feet.

16  
17 b. If the applicable height limit is 300 feet, the height of a structure may be  
18 increased (1) by 30 feet if the area bounded by the facades of the portion of the structure above  
19 300 feet is no greater than 6,500 square feet, or (2) by 45 feet if the area bounded by the facades  
20 at an elevation that is halfway between 300 feet and the height of the structure is no greater than  
21 50 percent of the area bounded by the facades at a height of 300 feet.

22  
23 c. In all cases the area bounded by the facades extending above the height  
24 limit may be occupied only by those uses or features otherwise permitted in this Section  
25 23.45.514 as an exception above the height limit, although any limits on the height or coverage  
26

of those uses or features totally screened by the facades extending above the applicable height limit shall not apply. Height exceptions permitted for screening ~~((and))~~ of rooftop features under other provisions of this subsection 23.45.514.~~((F))~~I are not permitted above the height gained by a structure under this ~~((provision))~~ subsection 23.45.514.I.10.

Section 32. Subsection C of Section 23.45.516 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.516 Additional height and extra residential floor area in Midrise and Highrise zones**

\* \* \*

C. Highrise ~~((Z))~~ zones.

1. Extra Residential Floor Area. In HR zones extra residential floor area may be gained in accordance with Chapter 23.58A subject to the conditions and limits in this Section 23.45.516. Up to all extra residential floor area may be gained through the affordable housing incentive program provisions in Section 23.58A.014. Up to 40 percent of extra residential floor area may be gained by one or any combination of:

- a. transfer of development potential;
- b. providing neighborhood open space or a payment in lieu thereof; and/or
- c. providing a neighborhood green street setback if allowed pursuant to subsection 23.45.516.F, all in accordance with this Section 23.45.516 and Chapter 23.58A.

2. Structure ~~((H))~~ height.

- a. Structures 240 feet or less in height. The applicable height limit in an HR zone under subsection 23.45.514.A is 240 feet if the applicant satisfies the conditions for

extra floor area but not all of the conditions in subsection C.2.b of this Section 23.45.516 are met.

b. Structures over 240 feet. The applicable height limit in an HR zone under subsection 23.45.514.A is 300 feet if the applicant satisfies the conditions for extra floor area and the following additional conditions are met:

1) For any structure above a height of 85 feet, the average residential gross floor area per story above a height of 45 feet does not exceed 9,500 square feet; and

2) No parking is located at or above grade, unless it is separated from all street lot lines by another use; and

3) At least 25 percent of the lot area at grade is one or more landscaped areas, each with a minimum horizontal dimension of 10 feet, or at least 20 percent of the lot area at grade is landscaped, common ((residential)) amenity area meeting the standards of Section 23.45.522.

\* \* \*

Section 33. Section 23.45.518 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**23.45.518 Setbacks and Separations ((in Midrise and Highrise zones))**

A. LR zones.

1. Required setbacks for the LR zones are shown in Table A for 23.45.518.

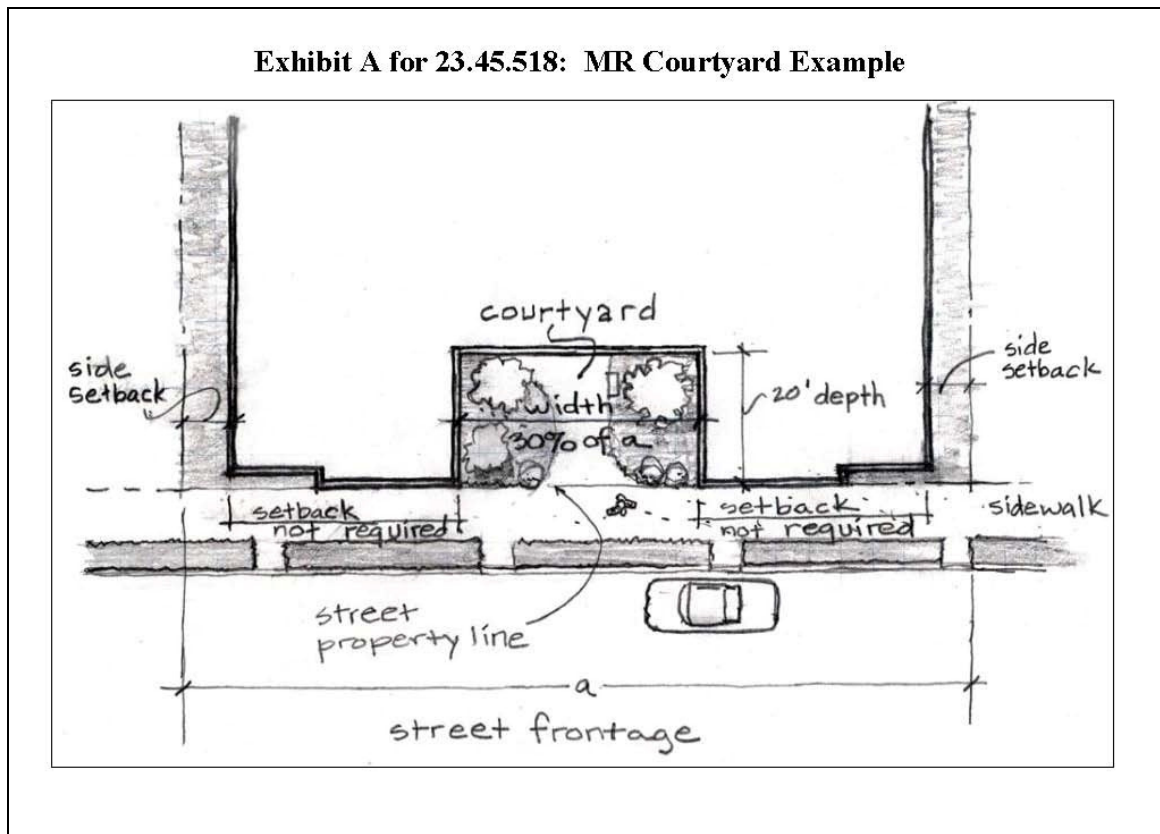
<b>Table A for 23.45.518: Required Setbacks in LR Zones measured in feet</b>
--

<b>All LR Zones</b>				
<b>Category of Residential Use</b>				
<b><u>Setback</u></b>	<b><u>Cottage Housing Developments and Single-Family Dwelling Units</u></b>	<b><u>Rowhouse Developments</u></b>	<b><u>Townhouse Developments</u></b>	<b><u>Apartments</u></b>
<b><u>Front</u></b>	<b><u>7 average; 5 minimum</u></b>	<b><u>5 minimum</u></b>	<b><u>7 average; 5 minimum</u></b>	<b><u>5 minimum</u></b>
<b><u>Rear</u></b>	<b><u>0 with Alley; 7 if no Alley</u></b>	<b><u>0 with Alley; With no alley: 7 average; 5 minimum</u></b>	<b><u>7 average; 5 minimum</u></b>	<b><u>10 minimum with alley; 15 minimum if no alley</u></b>
<b><u>Side Setback for Facades 40 feet or less in length</u></b>	<b><u>5</u></b>	<b><u>0, except that on side lot lines that abut a single-family zone, the setback is 5</u></b>	<b><u>5</u></b>	<b><u>5</u></b>
<b><u>Side Setback for Facades greater than 40 feet in length</u></b>	<b><u>5 minimum</u></b>	<b><u>0, except that on side lot lines that abut a single-family zone, the setback is 7 average; 5 minimum</u></b>	<b><u>7 average; 5 minimum</u></b>	<b><u>7 average; 5 minimum</u></b>

B. MR ((Z)) zones. Minimum setbacks for the MR zone are shown in Table ((A))B for 23.45.518((, except as provided in subsection Section 23.45.508.E for lots that have no street frontage)).

Table ((A))B for 23.45.518: MR Setbacks	
Setback Location	Required Setback Amount
Front and side setback from street lot lines	<p>7((?))<u>foot</u> average setback; 5((?))<u>foot</u> minimum setback</p> <p>No setback is required ((when))if a courtyard ((is provided)) abuts((ting)) the street (see Exhibit A for 23.45.518) <u>and the courtyard ((that))</u> has:</p> <ul style="list-style-type: none"> <li>a minimum width equal to 30 percent of the width of the abutting street frontage or 20((?))<u>feet</u>, whichever is greater; and</li> <li>a minimum depth of 20((?))<u>feet</u> measured from the abutting street lot line.</li> </ul>
Rear setback	<p>15((?))<u>feet</u> from a rear lot line that does not abut an alley; or</p> <p>10((?))<u>feet</u> from a rear lot line abutting an alley.</p>
Side setback from interior lot line	<p>For portions of a structure:</p> <ul style="list-style-type: none"> <li>42((?))<u>feet</u> or less in height: 7((?))<u>foot</u> average setback; 5((?))<u>foot</u> minimum setback.</li> <li>Above 42((?))<u>feet</u> in height: 10((?))<u>foot</u> average setback; 7((?))<u>foot</u> minimum setback.</li> </ul>

## Exhibit A for 23.45.518: MR Courtyard Example



((B))C. HR ((Z))zones. Minimum setbacks for HR zones are shown in Table ((B))C for 23.45.518((, except as provided in Section 23.45.508.E for lots that have no street frontage)).



**Table ((B))C for 23.45.518: HR Setbacks (see also Exhibit B for 23.45.518)**

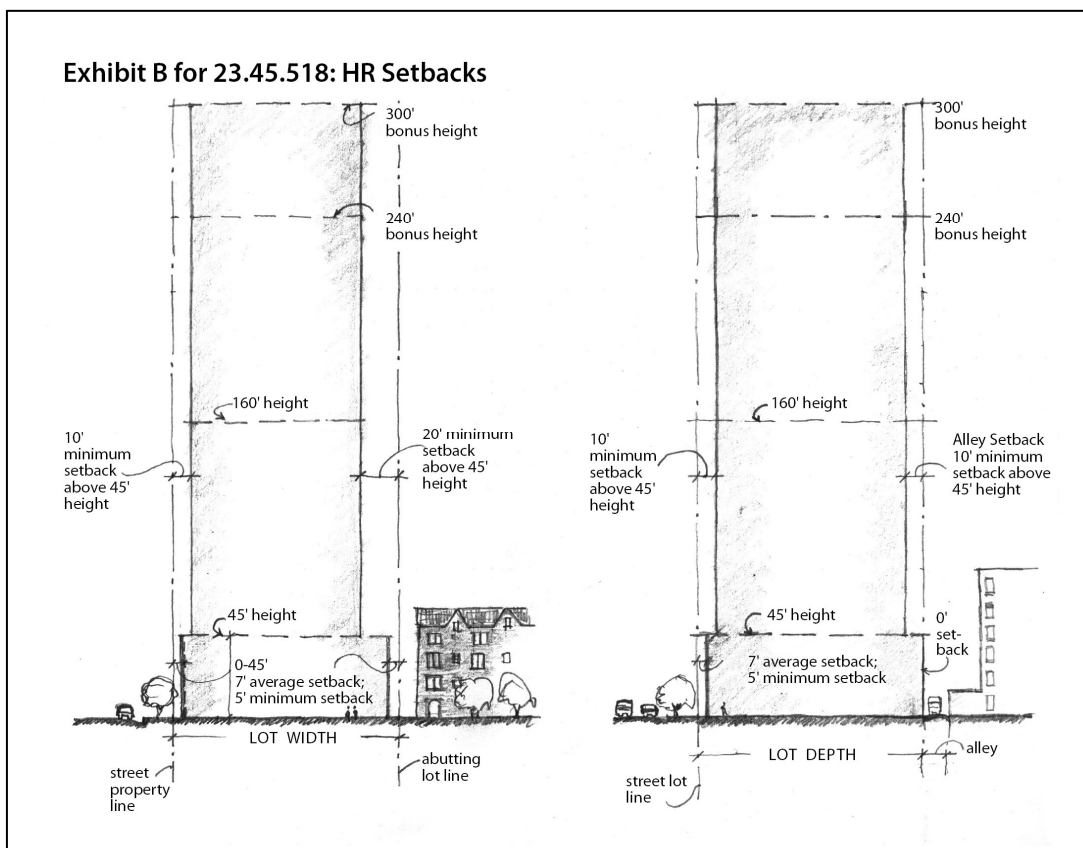
**Setbacks for structures ((~~eighty-five~~)) 85 feet in height or less**

Structures 85 feet in height or less are subject to the setback provisions of the MR zone in subsection 23.45.518.A.

**Setbacks for structures greater than ((~~eighty-five~~)) 85 feet in height**

<b>Lot line abutting a street</b>	<p>For portions of a structure:</p> <ul style="list-style-type: none"> <li>45((<del>2</del>))<u>feet</u> or less in height: 7((<del>2</del>))<u>foot</u> average setback; 5((<del>2</del>))<u>foot</u> minimum setback, except that no setback is required for frontages occupied by street level uses or dwelling units with a direct entry from the street;</li> <li>Greater than 45((<del>2</del>))<u>feet</u> in height: 10((<del>2</del>))<u>foot</u> minimum setback</li> </ul>
<b>Lot line abutting an alley</b>	<p><b>Rear lot line abuts an alley:</b></p> <p>For portions of a structure:</p> <ul style="list-style-type: none"> <li>45((<del>2</del>))<u>feet</u> or less in height: no setback required;</li> <li>Greater than 45((<del>2</del>))<u>feet</u> in height: 10((<del>2</del>))<u>foot</u> minimum setback.</li> </ul>
<b>Lot line that abuts neither a street nor alley</b>	<p>For portions of a structure:</p> <ul style="list-style-type: none"> <li>45((<del>2</del>))<u>feet</u> or less in height: 7((<del>2</del>))<u>foot</u> average setback; 5((<del>2</del>))<u>foot</u> minimum setback, except that no setback is required for portions abutting an existing structure built to the abutting lot line;</li> <li>Greater than 45((<del>2</del>))<u>feet</u> in height: 20((<del>2</del>))<u>foot</u> minimum setback.</li> </ul>

**Exhibit B for 23.45.518: HR Setbacks**



**D.** Through lots. In the case of a through lot, each setback abutting a street except a side setback shall be a front setback. Rear setback requirements shall not apply to the lot.

**E.** Other requirements. Additional structure setbacks may be required in order to meet the provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements.

**F.** Separations between multiple structures.

1. In LR and MR zones, except for cottage housing developments, if two or more principal structures are located on a lot, the minimum required separation between the structures at any two points on different interior facades is 10 feet, except ~~that if the principal structures are separated by a driveway or parking aisle, the minimum~~

required separation ((from finished grade to a height of 9 feet above finished grade)) is 2 feet greater than the required width of the driveway or parking aisle, provided that the separation is not required to be any greater than 24 feet ((to accommodate a parking aisle)). If principal structures are separated by a driveway or parking aisle, projections that enclose floor area may extend a maximum of 3 feet into the required separation if they are at least 8 feet above finished grade.

2. Cottage housing developments in LR and MR zones:

a. The minimum required separation between principal structures at any two points on different interior facades is 6 feet, unless there is a principal entrance on an interior facade, in which case the minimum separation required from that facade is 10 feet.

b. Facades of principal structures shall be separated from facades of accessory structures by a minimum of 3 feet.

~~((2) The enclosed floor area of a structure may extend a maximum of 3 feet over driveways and parking aisles, subject to this subsection 23.45.518.((E))F; and))~~

~~b. Architectural or structural features and unenclosed decks up to 18 inches above existing or finished grade, whichever is lower, may project up to 18 inches into the required separation between structures.))~~

~~((2))~~3. HR zones. Where two or more structures or portions of a structure above 85 feet in height are located on one lot, the minimum horizontal separation between interior facades in each height range is as provided in Table ~~((C))~~D for 23.45.518.

**Table ((C))D for 23.45.518: HR Façade Separation for Structures on the Same Lot**

Height Range	Minimum separation required between interior facades
0 to 45 feet	No minimum
Above 45 feet up to 160 feet	30 feet
Above 160 feet	40 feet

G. Front and rear setbacks and all separations on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.

~~((F))~~H. Projections ~~((into))~~ permitted in all required setbacks and separations.

1. Cornices, eaves, gutters, roofs and other forms of weather protection may project into required setbacks and separations a maximum of ~~((2))~~4 feet if they are no closer than 3 feet to any lot line.

2. Garden windows and other features that do not provide floor area may project a maximum of 18 inches into required setbacks and separations if they are:

- a. a minimum of 30 inches above the finished floor;
- b. no more than 6 feet in height and 8 feet wide; and
- c. combined with bay windows and other features with floor area, make up no more than 30 percent of the area of the façade.

3. Bay windows and other features with floor area may project a maximum of ~~((18 inches))~~ 2 feet into required setbacks and separations if they are:

- a. no closer than 5 feet to any lot line;
- b. no more than 10 feet in width; and
- c. combined with garden windows and other features included in subsection 23.45.518.H.2, make up no more than 30 percent of the area of the façade.

1                   ~~((4. Unenclosed decks and balconies may project a maximum of 4 feet into~~  
2 ~~required setbacks or separations if they are:~~

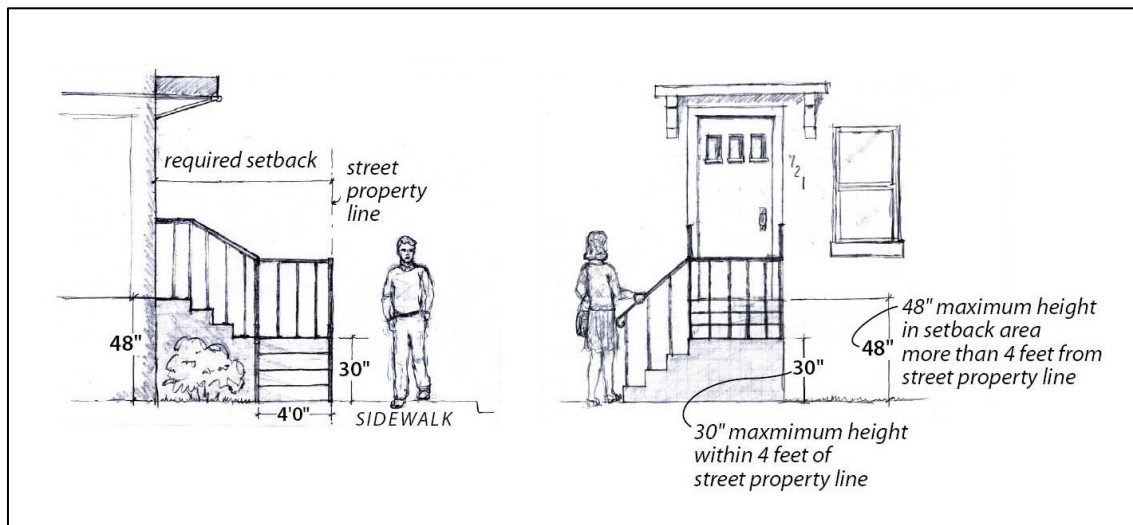
3                   ~~a. no closer than 5 feet to any lot line; and~~  
4                   ~~b. no more than 20 feet wide and are separated from other decks and~~  
5 ~~balconies on the same façade of the structure by a distance equal to at least one half the width of~~  
6 ~~the projection))).~~

7  
8                   ~~((5))~~4. Unenclosed decks up to 18 inches above existing or finished grade,  
9 whichever is lower, may project into required setbacks or separations to the lot line.

10                   ~~((6))~~5. Unenclosed porches or steps.

11                   a. ~~((When))~~ If setbacks are required pursuant to subsection A.1 of this  
12 Section 23.45.518, unenclosed porches or steps no higher than 4 feet above existing grade, or the  
13 grade at the street lot line closest to the porch, whichever is lower, may extend to within 4 feet of  
14 a street lot line, except that portions of entry stairs or stoops not more than ~~((30 inches))~~ 2.5 feet  
15 in height from existing or finished grade whichever is lower, excluding guard rails or hand rails,  
16 may extend to a street lot line. See Exhibit C for 23.45.518.  
17  
18  
19  
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### Exhibit C for 23.45.518: Setbacks for Unenclosed Porches



b. Permitted porches may be covered, provided that no portions of the cover-structure, including any supports, are closer than 3 feet to any lot line.

((7))6. Fireplaces and chimneys may project up to 18 inches into required setbacks or separations.

I. Unenclosed decks and balconies may project a maximum of 4 feet into required setbacks if each one is:

1. no closer than 5 feet to any lot line;
2. no more than 20 feet wide; and
3. separated from other decks and balconies on the same façade of the structure by a distance equal to at least one-half the width of the projection.

((G))J. Structures in ((R))required ((S))setbacks or separations.

1. Detached garages, carports or other accessory structures ((are permitted)) may be located in required separations and required rear or side setbacks, ((provided that any

~~accessory structure located between a principal structure and the side lot line shall provide the setback required for the principal structure~~)) subject to the following requirements:

a. Any accessory structure located between a principal structure and a side lot line shall provide the setback required for the principal structure;

b. Any portion of an accessory structure located more than 25 feet from a rear lot line shall be set back at least 5 feet from the side lot line;

~~The accessory structure is no taller than 12 feet, as measured from existing or finished grade, whichever is lower, except for garages and carports as specified below:~~

~~1) garages and carports are limited to 12 feet in height as measured from the façade containing the vehicle entrance; and~~

~~2) open rails are allowed to extend an additional 3 feet above the roof of the accessory structure if any portion of the roof is within 4 feet of existing grade.))~~

c. Accessory structures shall be set back at least 7 feet from the front lot line, side street lot line, and any rear lot line that abuts a street; and

d. Accessory structures shall be separated by at least 3 feet from all principal structures, including the eaves, gutters, and other projecting features of the principal structure.

2. Ramps or other devices necessary for access for the disabled and elderly((;)) that meet the Seattle Residential Code, Section R322 or Seattle Building Code, Chapter 11-Accessibility, are permitted in any required setback or separation.

3. Uncovered, unenclosed pedestrian bridges, necessary for access and 5 feet or less ~~((than 5 feet))~~ in width, are permitted in any required setback or separation.

4. Underground structures are permitted in any required setback or separation.

5. Solar collectors ~~((are))~~ may be permitted in ~~((any))~~ required setbacks or separations, ~~((subject))~~ pursuant to the provisions of Section 23.45.545~~((23.45.538, Solar collectors))~~.

6. Freestanding structures, signs and similar structures 6 feet or less in height above existing or finished grade whichever is lower, may be erected in each required setback or separation, provided that signs meet the provisions of Chapter 23.55, Signs.

7. Fences.

a. Fences no greater than ~~((six))~~ 6 feet in height are permitted in any required ~~((front, side or rear))~~ setback or separation, except that fences in the required front setback extended to side lot lines or ~~((side))~~ in street side setbacks extended to the front and rear lot lines may not exceed 4 feet in height. Fences located on top of a bulkhead or retaining wall are also limited to 4 feet. ~~((The permitted height may be averaged along a sloping grade for each 6 foot long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.))~~ If a fence is placed on top of a new bulkhead or retaining wall used to raise grade, the maximum combined height is limited to 9.5 feet.

b. Up to ~~((two))~~ 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted, if the architectural features are predominately open. ~~((When such a fence is located on top of a bulkhead or retaining wall, the height of the fence is limited to 4 feet.))~~

c. ~~((If located in shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60, structures shall not obscure views protected by Chapter~~



~~23.60, and the Director shall determine the permitted height.))~~ Fence height may be averaged along sloping grades for each 6 foot long segment of the fence, but in no case may any portion of the fence exceed 8 feet in height when the height permitted by subsection 23.45.518.J.7.a is 6 feet, or 6 feet in height when the height permitted by subsection 23.45.518.J.7.a is 4 feet.

8. Bulkheads and retaining walls.

a. Bulkheads and retaining walls used to raise grade may be placed in each required setback ~~((when))~~ if they are limited to 6 feet in height, measured above existing grade.

A guardrail no higher than 42 inches may be placed on top of a bulkhead or retaining wall existing as of January 3, 1997. ~~((If a fence is placed on top of a new bulkhead or retaining wall, the maximum combined height is limited to 9.5 feet.))~~

b. Bulkheads and retaining walls used to protect a cut into existing grade may not exceed the minimum height necessary to support the cut or 6 feet measured from the finished grade on the low side, whichever is greater. ~~((When))~~ If the bulkhead is measured from the low side and it exceeds 6 feet, an open guardrail of no more than 42 inches meeting Seattle Residential Code or Seattle Building Code requirements may be placed on top of the bulkhead or retaining wall. ((A fence must)) Any fence shall be set back a minimum of 3 feet from such a bulkhead or retaining wall.

9. ~~((Arbors.))~~ Arbors may be permitted in required setbacks or separation under the following conditions:

a. In each required setback or separation, an arbor may be erected with no more than a 40 square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum height of 8 feet. Both the sides and the roof of the arbor ~~((must))~~ shall be at least

50 percent open, or, if latticework is used, there ~~((must))~~ shall be a minimum opening of 2 inches between crosspieces.

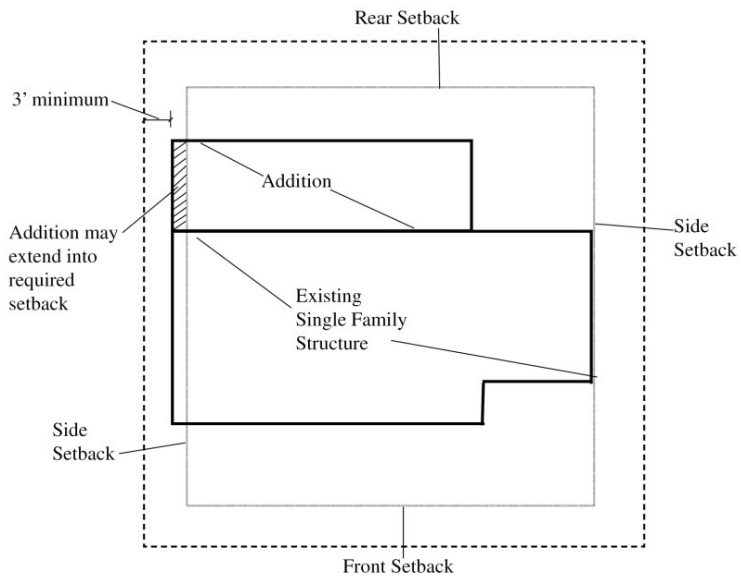
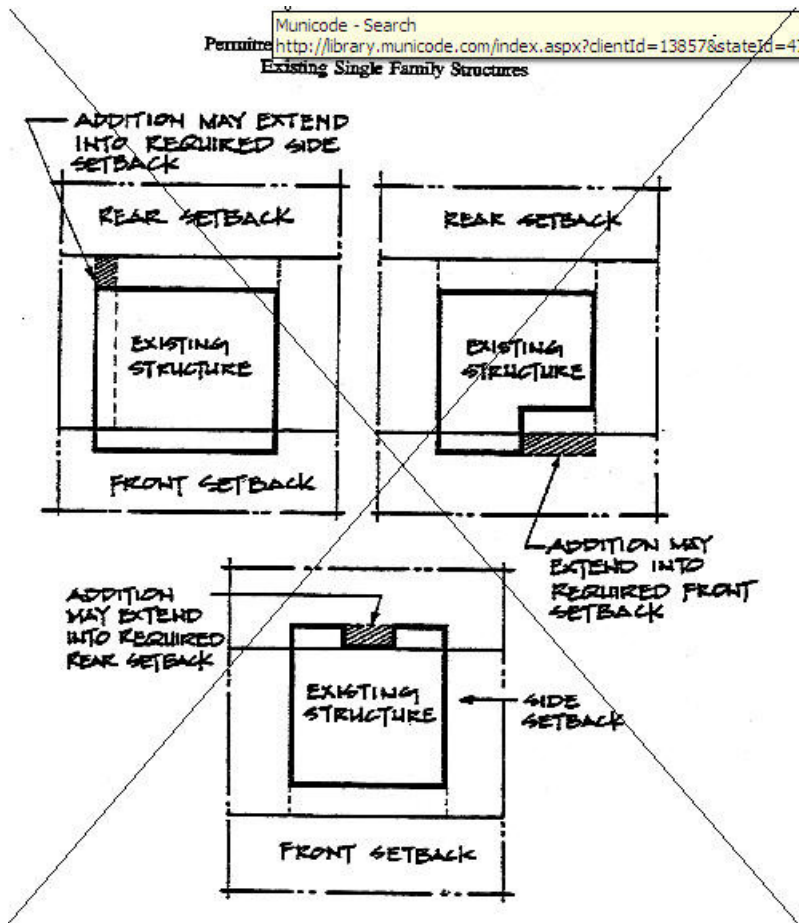
b. In each required setback abutting a street, an arbor over a private pedestrian walkway with no more than a 30 square foot footprint, measured on the horizontal roof plane and inclusive of eaves, may be erected to a maximum height of 8 feet. The sides of the arbor shall be at least 50 percent open, or, if latticework is used, there ~~((must))~~ shall be a minimum opening of 2 inches between crosspieces.

~~((10. Structures built as single family dwelling units prior to 1982((,)) that will remain in residential use((,)) are permitted in required setbacks or separations provided that nonconformity to setback or separation requirements is not increased.~~

~~11. Front and rear setbacks or separations on lots containing certain environmentally critical areas or buffers may be reduced pursuant to Sections 25.09.280 and 25.09.300.))~~

K. In all multifamily zones, certain additions to a single-family dwelling unit may extend into a required side setback if the structure is already nonconforming with respect to that setback, and if the presently nonconforming section is at least 60 percent of the total width of the respective facade of the structure prior to the addition. The line formed by the nonconforming wall of the structure shall be the limit to which any additions may be built, which may extend up to the height limit and may include basement additions (Exhibit D for 23.45.518), provided that additions shall be at least 3 feet from the side lot line.

**Exhibit D for 23.45.518: Permitted Additions Into Required Setbacks for Existing Single-Family ((Structures)) Dwelling Units**



Section 34. Section 23.45.522 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.522 ((~~Residential amenity~~)) Amenity area((~~s in Midrise and Highrise zones~~))**

((~~A. Residential amenity areas, including but not limited to decks, balconies, terraces, roof gardens, plazas, courtyards, play areas, or sport courts, are required in an amount equal to 5 percent of the total gross floor area of a structure in residential use, except as otherwise provided in this Chapter 23.45.~~))

A. Amenity area requirements for rowhouse and townhouse developments and apartments in LR zones.

1. The required amount of amenity area for rowhouse and townhouse developments and apartments is equal to 25 percent of the lot area.

2. A minimum of 50 percent of the required amenity area shall be provided at ground level, except that amenity area provided on the roof of a structure that meets the provisions of subsection 23.45.510.D may be counted as amenity area provided at ground level.

3. For rowhouse and townhouse developments, amenity area required at ground level may be provided as either private or common space.

4. For apartments, amenity area required at ground level shall be provided as common space.

B. Amenity area requirements in MR and HR zones.

The required amount of amenity area in MR and HR zones is equal to 5 percent of the total gross floor area of a structure in residential use, except for cottage housing developments, which shall meet the requirements of subsection C of this Section 23.45.522.

C. Amenity area requirements for cottage housing developments in all multifamily zones.

1. A minimum of 300 square feet of amenity area is required for each cottage.

2. A minimum of 150 square feet of amenity area is required for each carriage house.

3. The required quantity shall be allocated as follows:

a. At least half of the amenity area required for each cottage, and all of the amenity area required for each carriage house, shall be provided as common amenity area; and

b. At least half of the amenity area required for each cottage shall be provided as private amenity area for that unit.

4. The required common amenity area may be divided into no more than two separate areas, and shall:

a. have cottages or carriage houses abutting on at least two sides;

b. be in a location central to the cottage housing development; and

c. have no horizontal dimension of less than 10 feet.

5. Carriage houses shall have stairs that provide access to the common amenity area.

6. Fences are permitted only on the perimeter of the required common amenity area.

7. An unenclosed porch that is a minimum of 60 square feet in size, and that faces a street or common amenity area may be counted as part of the private amenity area for the cottage to which it is attached.

~~((B. Required residential))~~ D. General requirements.

All required amenity areas shall meet the following conditions:

1. All ~~((residents))~~ units shall have access to at least one common or private ~~((residential))~~ amenity area~~((;))~~.

2. In LR zones, amenity areas shall not be enclosed within a structure.

3. In MR and HR zones, ~~((No))~~ no more than 50 percent of the ~~((residential))~~ amenity area may be enclosed, and this enclosed area shall be provided as common ~~((space))~~ amenity area. The minimum horizontal dimension for any enclosed amenity area shall be 15 feet, and no enclosed amenity area shall be less than 225 square feet in size.

4. In all multifamily zones, there is no minimum dimension for private amenity area, except for cottage housing developments, and except that if a private amenity area abuts a side lot line that is not a side street lot line, the minimum horizontal dimension measured from the side lot line is 10 feet.

~~((3))~~5. Parking areas, vehicular access easements, and driveways~~((, and pedestrian access to building entrances, except for pedestrian access meeting the Seattle Building Code, Chapter 11—Accessibility,))~~ do not qualify as ~~((residential))~~ amenity areas~~((;))~~, except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41.

~~((4))~~6. Swimming pools may be counted toward meeting the ~~((residential))~~ amenity area requirement.

~~((5. Common amenity areas shall have a minimum horizontal dimension of at least 10 feet, and no common amenity area may be less than 250 square feet;))~~

1 ((6))7. Rooftop areas excluded because they are near minor communication  
2 utilities and accessory communication devices, pursuant to subsection 23.57.011.C.1, do not  
3 qualify as ((residential)) amenity areas.

4 8. Assisted living facilities are not required to provide amenity area.

5 E. Required common amenity areas in LR zones.

6 In addition to the requirements in subsection D of this Section 23.45.522, required  
7 common amenity areas in LR zones shall meet the following conditions:

8 1. No common amenity area shall be less than 250 square feet in area, and all  
9 common amenity areas shall have a minimum horizontal dimension of 10 feet.

10 2. Common amenity areas shall be open to the sky, except that portions of the  
11 structure that do not provide floor area may extend up to 2 feet into the amenity area if they are  
12 at least 8 feet above finished grade.

13 3. At least 50 percent of the common amenity area shall be landscaped with  
14 grass, ground cover, bushes and/or trees.

15 4. The common amenity area required at ground level for apartments in LR zones  
16 shall be conveniently accessible to all apartment units, and improved with elements that enhance  
17 the usability and livability of the space for residents, such as seating, outdoor lighting, weather  
18 protection, landscaping, art, or other similar features.

19 ((C))G. No ((residential)) amenity area is required for an additional dwelling unit added  
20 to ((an)) a single-family dwelling unit existing as of January 1, 1982, or to a multifamily  
21 ((structure))residential use existing as of October 10, 2001.

Section 35. Subsection A of 23.45.524 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.524 Landscaping ~~((and screening))~~ standards ~~((in Midrise and Highrise zones))~~**

A. Landscaping requirements.

1. Standards. All landscaping provided to meet requirements under this Section 23.45.524 ~~((must))~~ shall meet standards promulgated by the Director to provide for the long-term health, viability, and coverage of plantings. ~~((The Director may promulgate standards relating to landscaping matters that))~~ These standards may include, but are not limited to, the type and size of plants, number of plants, ~~((concentration))~~ spacing of plants, depth~~((s))~~ and quality of soil, use of drought-tolerant plants, and access to light and air for plants.

2. Green Factor ~~((R))~~ requirement.

a. Landscaping that achieves a Green Factor score of 0.6 or greater, determined as set forth in Section 23.86.019, is required for any lot with development containing more than one dwelling unit in Lowrise zones. Vegetated walls may not count towards more than 25 percent of a lot's Green Factor score.

b. Landscaping that achieves a Green Factor score of 0.5 or greater, determined as set forth in Section 23.86.019, is required for any lot with development containing more than one dwelling unit ~~((new development))~~ in Midrise and Highrise zones.

B. Street tree requirements.

1. Street trees are required ~~((when))~~ if any type of development is proposed, except as provided in subsection 23.45.524.B.2 and B.3 below and Section 23.53.015. Existing street trees shall be retained unless the Director of Transportation approves their removal. The



Director, in consultation with the Director of the Department of Transportation, ~~((with))~~ shall  
determine the number, type, and placement of additional street trees to be provided, based on the  
following considerations:

- a. public safety;
- b. presence, type, and condition of existing street trees;
- c. space in the planting strip;
- d. size of trees to be planted;
- e. spacing required between trees in order to encourage healthy growth;
- f. location of utilities; and
- g. approved access to the street, buildings, and lot.

2. Exceptions to street tree requirements.

a. If a lot borders an unopened street, the Director may reduce or waive the  
street tree requirement along that street if, after consultation with the Director of Transportation,  
the Director determines that the street is unlikely to be ~~((developed))~~ opened or improved.

b. Street trees are not required as a condition to any of the following:

~~(((1)) establishing, constructing, or modifying single-family  
dwelling units; or))~~

~~(((2)))1) changing a use ((or establishing a temporary use or  
intermittent use)); ((or))~~

~~(((3)))2) expanding a structure by 1,000 square feet or less; ((or))~~

~~(((4)))3) expanding surface ((area)) parking by less than 10 percent  
in area or in number of spaces; or~~

4) establishing a temporary or intermittent use pursuant to Section

23.42.040.

c. ~~((When))~~ If an existing structure is proposed to be expanded by more than 1,000 square feet, one street tree is required for each 500 square feet over the first 1,000 square feet, up to the maximum number of required trees.

3. If it is not feasible to plant street trees in an abutting planting strip, a 5 foot setback shall be planted with street trees along the street ~~((property))~~ lot line, or landscaping other than trees shall be provided in the planting strip, subject to approval by the Director of the Department of Transportation. If, according to the Director of the Department of Transportation, a 5 foot setback or landscaped planting strip is not feasible, the Director may reduce or waive this requirement.

~~((C. Screening of parking.~~

~~1. Parking must be screened from direct street view by the front facade of a structure, by garage doors, or by a fence or wall between 4 feet and 6 feet in height. When the fence or wall parallels a street, a minimum 3 foot deep landscaped area is required on the street side of the fence or wall. The screening may not be located within any required sight triangle.~~

~~2. The height of the visual barrier created by the screen required in subsection 23.45.524.C.1 shall be measured from the elevation of the curb or street if no curb is present. If the elevation of the lot line is different from the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the screen itself is a minimum of 3 feet in height.))~~

Section 36. Subsection A of Section 23.45.526 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.526 LEED, Built Green, and Evergreen Sustainable Development Standards**

A. Applicants for all new development gaining extra residential floor area pursuant to this Chapter 23.45, or seeking to qualify for the higher FAR limit in Table A for 23.45.510, except additions and alterations, shall make a commitment that the structure will meet green building performance standards by earning a Leadership in Energy and Environmental Design (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, except that an applicant who is applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new affordable housing, as defined in subsection 23.45.526.D, may elect to meet green building performance standards by meeting the Washington Evergreen Sustainable Development Standards (ESDS).

\* \* \*

Section 37. Section 23.45.528 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.528 Structure width and depth limits (~~for lots in Midrise zones greater than 9,000 square feet in size~~)**

A. Maximum structure width in LR zones is as follows:

1. Structure width may not exceed the width indicated on Table A for 23.45.528 except as provided in this Section 23.45.528.

2. Portions of a structure that qualify for the FAR exemption in subsection 23.45.510.E.5 are exempt from the width limit.

**Table A for 23.45.528: Maximum Structure Width in LR zones in feet**

<b><u>Zone</u></b>	<b><u>Width in feet by Category of Residential Use</u></b>		
	<b><u>Cottage Housing and Rowhouse Developments</u></b>	<b><u>Townhouse Developments</u></b>	<b><u>Apartments</u></b>
<b><u>LR1</u></b>	<u>No limit</u>	<u>60</u>	<u>45</u>
<b><u>LR2</u></b>	<u>No limit</u>	<u>90</u>	<u>90</u>
<b><u>LR3 outside Urban Villages, Urban Centers or Station Area Overlay Districts</u></b>	<u>No limit</u>	<u>120</u>	<u>120</u>
<b><u>LR3 inside Urban Villages, Urban Centers or Station Area Overlay Districts</u></b>	<u>No limit</u>	<u>150</u>	<u>150</u>

**B. Maximum structure depth in LR zones.**

1. The maximum depth of structures or portions of structures located within 15 feet of a side lot line that is not a street or alley lot line is 65 percent of the lot depth, except that the maximum depth of any portion of a rowhouse unit located within 15 feet of a lot line that abuts a lot in a single-family zone is 40 feet.

2. Portions of a structure that qualify for the FAR exemption in subsection 23.45.510.E.5 are exempt from the depth limit.

C. Width and depth limits in MR zones. The width and depth limits of this ((S))subsection 23.45.528.C apply to lots in MR zones that are greater than 9,000 square feet in lot area.

((A))1. The width of a structure((S)) shall not exceed 150 feet, except as provided in this subsection 23.45.528.C. ((may not exceed the applicable limits shown in Table A for 23.45.528.

**Table ((A))B for 23.45.528: Width Limits**

	<b>MR</b>
<b>Maximum width</b>	<b>150')</b>

((B))2. Structure ((D))depth.

((4))a. The depth of a structure((s)) shall not exceed 75 percent of the depth of the lot.((;)) ~~((exceed the limits shown in Table B for 23.45.528, except as provided in subsection 23.45.528.((B.2))C.2.b.~~

**Table ((B))C for 23.45.528: Depth Limits**

	<b>MR</b>
<b>Maximum depth</b>	<b>75 percent of the depth of the lot))</b>

((2))b. Exceptions to structure depth limit. To allow for front setback averaging and courtyards as provided in ((subsection)) Section 23.45.518.((A)), structure depth may exceed the limit ~~((shown in Table B for 23.45.528))~~ set in subsection 23.45.528.B.2 if the total lot coverage resulting from the increased structure depth does not exceed the lot coverage that would have otherwise been allowed without use of the courtyard or front setback averaging provisions.

((E))D. Accessory structures are counted in structure width and depth if they are less than 3 feet from the principal structure at any point.

Section 38. A new section 23.45.529 of the Seattle Municipal Code is added as follows:

### **23.45.529 Design standards**

A. Intent. The intent of the design standards in this Section 23.45.529 is to:

1                   1. Enhance street-facing facades to provide visual interest, promote new  
2 development that contributes to an attractive streetscape, and avoid the appearance of blank walls  
3 along a street;

4                   2. Foster a sense of community by integrating new pedestrian-oriented  
5 multifamily development with the neighborhood street environment and promoting designs that  
6 allow easy surveillance of the street by area residents;

7                   3. Promote livability in multifamily areas by providing a sense of openness and  
8 access to light and air; and  
9

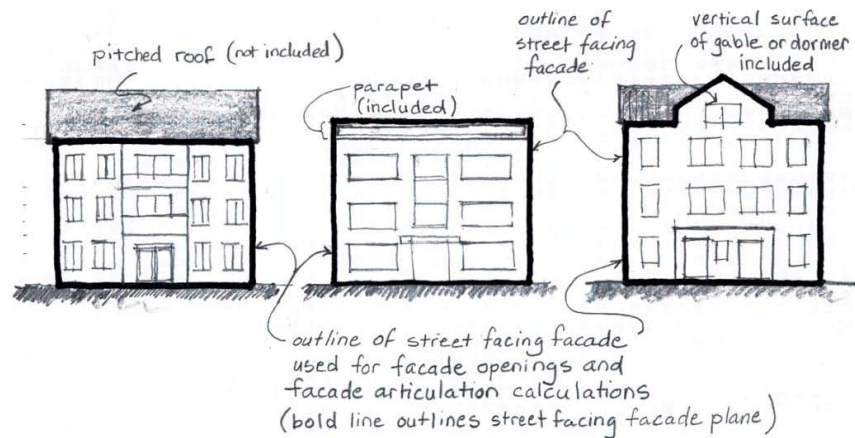
10                  4. Encourage the compatibility of a variety of housing types with the scale and  
11 character of neighborhoods where new multifamily development occurs.

12                  B. Application of provisions. The provisions of this Section 23.45.529 apply to all  
13 residential uses that do not undergo any type of design review pursuant to Chapter 23.41, except  
14 single-family dwelling units.  
15

16                  C. Treatment of street-facing facades. For the purposes of this subsection 23.45.529.C,  
17 a street-facing facade includes all vertical surfaces enclosing interior space, including gables and  
18 dormers, as shown in Exhibit A for 23.45.529.  
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20                  **Exhibit A for 23.45.529: Measurement of Street-facing Facades**  
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## Exhibit A for 23.45.529: Measurement of Street-facing Facades



### 1. Façade openings.

a. At least 20 percent of the area of each street-facing façade shall consist of windows and/or doors.

b. Only transparent windows count toward the requirement for façade openings in this subsection 23.45.529.C.1. Windows composed of glass blocks or opaque glass, garage doors, and doors to-utility and service areas, do not count.

### 2. Façade articulation.

a. If a street-facing facade or portion of a street-facing façade is not vertical, the Director shall determine whether the façade is substantially vertical and required to comply with this subsection 23.45.529.C.

b. If the street-facing façade of a structure exceeds 750 square feet in area, division of the façade into separate facade planes is required (see Exhibit B for 23.45.529).

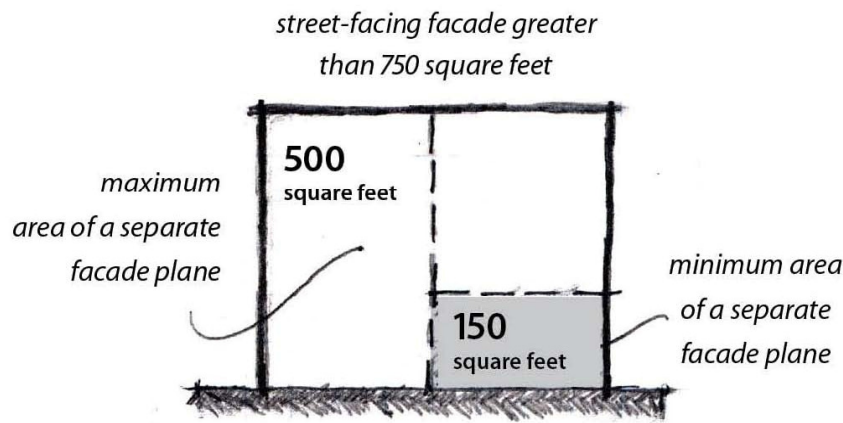
1 c. In order to be considered a separate façade plane for the purposes of this  
2 subsection 23.45.529.C.2, a portion of the street-facing façade shall have a minimum area of 150  
3 square feet and a maximum area of 500 square feet, and shall project or be recessed from  
4 abutting façade planes by a minimum depth of 18 inches.

5 d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is  
6 required to mark roof lines, porches, windows and doors on all street-facing facades.  
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16 **Exhibit B for 23.45.529: Street-facing Facades**  
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### Exhibit B for 23.45.529: Street-facing Facades



e. The Director may allow exceptions to the façade articulation requirements in this subsection 23.45.529.C.2, if the Director determines that the street-facing façade will meet the intent of subsection 23.45.529.A.1, and the intent of subsections 23.45.529.D.2, E.4, and F.2 for cottage housing developments, rowhouse developments, and townhouse developments, respectively, through one or more of the following street-facing façade treatments:

- 1) Variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the façade;
- 2) Incorporation of architectural features that add interest and dimension to the façade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;

3) Special landscaping elements provided to meet Green Factor requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of 25 percent of the façade surface;

4) Special fenestration treatment, including an increase in the percentage of windows and doors to at least 25 percent of the street-facing façade(s).

D. Design standards for cottage housing developments.

1. Pedestrian entry. Each cottage with a street-facing façade that is located within 10 feet of the street lot line shall have a visually prominent pedestrian entry through the use of covered stoops, porches, or other architectural entry features. For cottages on corner lots that have more than one street-facing façade within 10 feet of the street lot line, a visually prominent pedestrian entry is required on only one of the street-facing facades. Access to these entrances may be through a required private amenity area that abuts the street.

2. Architectural expression. Cottage housing developments shall include architectural details that reduce the visual scale of the units. Each cottage shall employ one or more of the following design techniques to reduce visual scale of the units:

- a. Attached covered porch
- b. Roofline features such as dormers or clerestories
- c. Bay windows
- d. Variation in siding texture and materials
- e. Other appropriate architectural techniques demonstrated by the applicant to reduce the visual scale of cottages.

E. Design standards for rowhouse developments.

1                   1. Pedestrian entry. Each rowhouse unit shall have a pedestrian entry on the  
2 street-facing facade that is designed to be visually prominent through the use of covered stoops,  
3 porches, or other architectural entry features. For rowhouse units on corner lots, a visually  
4 prominent pedestrian entry is required on only one of the street-facing facades.

5                   2. Front setback. Design elements to provide a transition between the street and  
6 the rowhouse units, such as landscaping, trees, fences, or other similar features, are required in  
7 the front setback.  
8

9                   3. Architectural expression. The street-facing façade of a rowhouse unit shall  
10 provide architectural detail or composition to visually identify each individual rowhouse unit as  
11 seen from the street. Design elements such as trim or molding, modulation, massing, color and  
12 material variation, or other similar features may be used to achieve visual identification of  
13 individual units. Rooftop features such as dormers or clerestories, or roofline variation may be  
14 used to visually identify individual rowhouse units.  
15

16                   F. Design Standards for townhouse developments.

17                   1. Building orientation. Townhouse developments shall maximize the orientation  
18 of individual units to the street by complying with one of the following conditions:  
19

20                               a. At least 50 percent of the townhouse units shall be located so  
21 that there is no intervening principal structure between the unit and the street, unless the  
22 intervening principal structure was established under permit as of October 31, 2001, or was  
23 granted a permit on October 31, 2001 and the permit has not expired; or  
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b. All townhouse units shall have direct access to a common amenity area meeting the requirements of Section 23.45.522 that either abuts the street or is visible and accessible from the street by a clear pedestrian pathway.

2. A clear pedestrian pathway from the street to the entrance of each townhouse unit shall be provided. Co-location of a pedestrian pathway and a driveway is permitted if the pathway is differentiated from the driveway by pavement color, texture, or similar technique. Signage identifying townhouse unit addresses and the directions to the unit entrance(s) from the street shall be provided.

3. Each townhouse unit, with a street-facing façade shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent feature through the use of covered stoops, porches, or other architectural entry features. For townhouse units on corner lots, a visually prominent pedestrian entry is required on only one of the street-facing facades.

4. Architectural expression. Architectural detail or composition shall be provided to visually identify each individual townhouse unit, as seen from the public street. Design elements such as trim or molding, modulation, massing, color and material variation or other similar features may be used to achieve visual identification of individual units. Rooftop features such as dormers or clerestories, or roofline variation may be used to visually identify individual townhouse units.

G. Building entry orientation standards for apartments.

1. For each apartment structure, a principal shared pedestrian entrance is required that faces either a street or a common amenity area, such as a landscaped courtyard, that

abuts and has direct access to the street. Additional pedestrian entrances to individual units are permitted.

2. If more than one apartment structure is located on a lot, each apartment structure separated from the street by another principal structure shall have a principal entrance that is accessible from a common amenity area with access to the street.

3. The shared entrance of each apartment structure shall have a pedestrian entry that is designed to be visually prominent, through the use of covered stoops, overhead weather protection, a recessed entry, or other architectural entry features.

Section 39. Section 23.45.005 of the Seattle Municipal Code, Development standards for single-family structures, which section was last amended by Ordinance 123210, as shown in Appendix A to this ordinance, is repealed.

Section 40. A new Section 23.45.531 is added to the Seattle Municipal Code as follows:

**23.45.531 Development standards for cottage housing developments and carriage house structures**

A. Size limit for dwelling units.

1. The maximum gross floor area of each cottage in a cottage housing development is 950 square feet.

2. The maximum gross floor area of a carriage house is 600 square feet.

B. Size limit for garages. The maximum gross floor area for a shared garage structure in a cottage housing development is 1,200 square feet, and the garage shall contain no more than four parking spaces.

C. Carriage house structures. A carriage house structure is permitted in a cottage housing development subject to the following standards:

1. The maximum number of dwelling units permitted in carriage house structures is one-third of the total number of units in the cottage housing development on the lot.

2. The maximum gross floor area of the ground floor of a carriage house structure is 1,200 square feet.

D. Existing single-family dwelling units in a cottage housing development. Existing single-family dwelling units that are non-conforming with respect to the standards for a cottage housing development are permitted to remain, provided that the extent of the nonconformity shall not be increased.

Section 41. Section 23.45.534 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.534 Light and glare standards ((in Midrise and Highrise zones))**

A. Exterior lighting shall be shielded and directed away from adjacent properties.

B. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties.

C. To prevent vehicle lights from affecting adjacent properties, driveways and parking areas for more than two vehicles shall be screened from ((adjacent)) abutting properties by a fence or wall between 5 feet and 6 feet in height, or a solid evergreen hedge or landscaped berm at least 5 feet in height. If the elevation of the lot line is different from the finished elevation of the driveway or parking surface, the difference in elevation may be measured as a portion of the required height of the screen so long as the screen itself is a minimum of 3 feet in height. The

Director may waive the requirement for the screening if it is not needed due to changes in topography, agreements to maintain an existing fence, or the nature and location of adjacent uses.

Section 42. Section 23.45.536 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.536 Parking ~~((and))~~ location, access, and screening ~~((in MR and HR zones))~~**

A. Off-street parking spaces are required ~~((pursuant))~~ to the extent provided in Chapter 23.54, Quantity and design standards for access and off-street parking.

B. Location of parking.

1. If parking is required, it shall be located on the same lot as the use requiring the parking, except as otherwise provided in this subsection 23.45.536.B.

~~((1))~~ 2. ~~((Parking shall))~~ Except as otherwise provided in this subsection 23.45.536.B, surface parking may be located anywhere on a lot except:

a. between a principal structure and a street lot line ~~((that is not a street lot line,))~~;

b. in the required front setback or side street side setback; and

c. within 7 feet of any street lot line.

3. Parking in a structure. Parking may be located in a structure or under a structure, ~~((or in any combination of these locations, unless otherwise provided in subsections B.2 or B.3 of this Section 23.45.536))~~ provided that no portion of a garage that is higher than 4 feet above existing or finished grade, whichever is lower, shall be closer to a street lot line than any part of the first floor of the structure in which it is located;

1 ((2))4. On a through lot, parking may be located between the structure and one  
2 front lot line(~~(; except that on lots 125 feet or greater in depth, parking shall not be located in~~  
3 ~~either front setback)~~). The ((frontage)) front setback in which the parking may be located will be  
4 determined by the Director based on the prevailing character and setback patterns of the block.

5 ((3))5. On waterfront lots in the Shoreline District, parking ((shall)) may be  
6 located between the structure and the front lot line, if necessary to prevent blockage of view  
7 corridors or to keep parking away from the edge of the water, ((pursuant to)) as required by  
8 Chapter 23.60, Shoreline District.

10 6. Parking accessory to a residential use may be located on a lot within 800 feet of  
11 the lot where the residential use that requires the parking is located, provided that:

12 a. the lot is not located in a single-family zone; and

13 b. the requirements of Section 23.54.025 are met.

15 C. Access to ((P))parking.

16 1. ((Access to parking shall be from an improved alley, but not from the street, or  
17 from both the alley and the street, unless the Director permits access from the street according to  
18 subsection 23.45.536.D below.)) Alley access required. Except as otherwise expressly required  
19 or permitted in subsections C or D of this Section 23.45.536, access to parking shall be from the  
20 alley if the lot abuts an alley and one of the conditions in this subsection 23.45.536.C.1 is met.

22 a. The alley is improved to the standards of subsection 23.53.030.C;

23 b. The development gains additional FAR pursuant to Section  
24 23.45.510.C; or



1 c. The Director determines that alley access is feasible and desirable to  
2 mitigate parking access impacts, improve public safety, and/or maintain on-street parking  
3 capacity.

4 2. ~~((If the lot does not abut an improved alley or street, access may be permitted~~  
5 ~~from an easement meeting the provisions of Chapter 23.53, Requirements for Streets, Alleys, and~~  
6 ~~Easements.))~~ Street access required. Access to parking shall be from the street if:

7 a. The lot does not abut an alley.

8 b. The lot abuts an alley, and the Director determines that the alley should  
9 not be used for access, for one or more of the following reasons:

10 1) Due to the relationship of the alley to the street system, use of  
11 the alley for parking access would create a significant safety hazard; or

12 2) Topography makes alley access infeasible.

13 3) The alley is on the uphill side of a steeply sloping lot, and the  
14 following conditions are met:

15 i. access from the street is to common parking garage in or  
16 under the structure, located a maximum of 4 feet above grade.

17 ii. the siting of development results in an increased Green  
18 Factor score, larger ground-level amenity areas, and/or reduced surface parking area than if alley  
19 access is used.

20 ~~((3. When access is provided to individual garages from the street pursuant to~~  
21 ~~subsection 23.45.536.D, all garage doors facing the street shall be set back 15 feet from the street~~  
22 ~~lot line.))~~

1                   3. On corner lots, if street access is permitted pursuant to subsection  
2 23.45.536.C.2, the Director will determine the street from which access may be taken. In  
3 making the determination, the Director will consider the extent to which each street's pedestrian-  
4 oriented character would be disrupted by curb cuts, the potential for pedestrian and automobile  
5 conflicts, and the capacity of each street to accommodate increased traffic.

6                   4. On steeply sloping lots, the Director may permit the use of both an alley and a  
7 street for access, provided that the following conditions are met:

8                           a. access from the street is to common parking garage in or under the  
9 structure, that is underground or extends no more than 4 feet above grade.

10                           b. the siting of development results in an increased Green Factor score,  
11 larger ground-level amenity areas, and/or reduced surface parking area than if alley access alone  
12 is used.

13                           c. In LR zones, if the project uses both the alley and street for access to  
14 parking other than required barrier-free parking spaces, the project does not qualify the higher  
15 FAR limit in Section 23.45.510.A.

16                   5. Access to required barrier-free parking spaces that meet the standards in the  
17 Seattle Residential Code, Section R322, or the Seattle Building Code, Chapter 11, may be from  
18 either the street or alley, or both.

19                   6. If the alley is used for access, the alley shall be improved according to the  
20 standards in subsections 23.53.030.E and F, except that if a development gains additional FAR  
21 pursuant to subsection 23.45.510.C, the alley shall be paved rather than improved with crushed  
22 rock, even for lots containing fewer than ten units.

1                   7. If the lot does not abut an improved alley or street, access may be permitted  
2 from an easement that meets the provisions of Chapter 23.53, Requirements for Streets, Alleys,  
3 and Easements.

4                   ~~((D. Exceptions for parking location and access. The Director may permit an alternate~~  
5 ~~location of parking on the lot or access to off-street parking as a Type I decision based on~~  
6 ~~consideration of the following:~~

7                   ~~1. whether access would negatively impact public safety by requiring backing~~  
8 ~~onto an arterial street;~~

9                   ~~2. whether on-street parking capacity is maintained or loss of on-street parking is~~  
10 ~~minimized by measures such as serving two garages with one curb cut.~~

11                   ~~3. whether, as a result, the project is better integrated with the topography of the~~  
12 ~~lot, such as by providing structured parking below grade or shared parking that reduces the~~  
13 ~~overall impact of parking on the design of the project.~~

14                   ~~4. whether the siting of development on the lot is improved, allowing for more~~  
15 ~~landscaping or increased Green Factor score and/or amenity areas, and reduced surface parking~~  
16 ~~area; and~~

17                   ~~5. whether the flow of vehicular or pedestrian traffic is not significantly~~  
18 ~~impacted.))~~

19                   ~~((E. Parking shall be screened from all streets and adjacent uses pursuant to~~  
20 ~~Section 23.45.524.))~~ D. Screening of parking.

21                   1. Parking shall be screened from direct street view by the street facing facade of  
22 a structure, by garage doors, or by a fence or wall.

2. Screening by a fence or wall. If screening is provided by a fence or wall, the fence or wall shall not be located within any required sight triangle, and shall meet the following conditions:

a. the fence or wall shall be at least 3 feet tall measured from the elevation of the curb, or from the elevation of the street if no curb is present. If the elevation of the ground at the base of the fence or wall is higher than the finished elevation of the parking surface, the difference in elevation may be measured as a portion of the required height of the screen, so long as the fence or wall is a minimum of 3 feet in height. If located in a setback, the fence or wall shall meet the requirements subsection 23.45.518.J.7.

b. the fence or wall shall be set back at least 3 feet from the lot line.

3. Screening by garage doors. If parking is provided in a garage in or attached to a principal structure, and garage door(s) face a street, the following standards apply:

a. Garage doors may be no more 75 square feet in area;

b. Garage doors facing the street shall be set back at least 15 feet from the street lot line, and shall be no closer to the street lot line than the street-facing façade of the structure.

Section 43. Section 23.45.545 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**Section 23.45.545 Standards for certain accessory uses**

\* \* \*

C. Solar collectors,

1                   1. Solar collectors that meet minimum written energy conservation standards  
2 administered by the Director are permitted in required setbacks, subject to the following:

3                   ((4))a. Detached solar collectors are permitted in required rear setbacks, no closer  
4 than 5 feet to any other principal or accessory structure.

5                   ((2))b. Detached solar collectors are permitted in required side setbacks, no closer  
6 than 5 feet to any other principal or accessory structure, and no closer than 3 feet to the side lot  
7 line.  
8

9                   ~~((3. The area covered or enclosed by solar collectors may be counted toward any~~  
10 ~~open space requirement pursuant to Section 23.45.016 and residential amenity area requirements~~  
11 ~~pursuant to Section 23.45.522.))~~

12                   ((4))2. Sunshades that provide shade for solar collectors that meet minimum  
13 written energy conservation standards administered by the Director may project into southern  
14 front or rear setbacks. Those that begin at 8 feet or more above finished grade may be no closer  
15 than 3 feet from the lot line. Sunshades that are between finished grade and 8 feet above finished  
16 grade may be no closer than 5 feet to the lot line.  
17

18                   3. Solar collectors on roofs. Solar collectors that meet minimum written energy  
19 conservation standards administered by the Director and that are located on a roof are permitted  
20 as follows:

21                   a. In Lowrise zones up to 4 feet above the maximum height limit or 4 feet  
22 above the height of elevator penthouse(s); and  
23

24                   b. In MR and HR zones up to 10 feet above the maximum height limit or  
25 10 feet above the height of elevator penthouse(s).  
26  
27  
28

1                   c. If the solar collectors would cause an existing structure to become  
2 nonconforming, or increase an existing nonconformity, the Director may permit the solar  
3 collectors as a special exception pursuant to Chapter 23.76, Master Use Permits and Council  
4 Land Use Decisions. Such solar collectors may be permitted even if the structure exceeds the  
5 height limits established in subsection 23.45.545.C.3, when the following conditions are met:

6                   a. There is no feasible alternative solution to placing the collector(s) on  
7 the roof; and

8                   b. Such collector(s) are located so as to minimize view blockage from  
9 surrounding properties and the shading of property to the north, while still providing adequate  
10 solar access for the solar collectors.

11                   \* \* \*

12                   I. In Lowrise zones, lots that include rowhouse and townhouse units may include  
13 accessory dwelling units as follows:

14                   1. No more than one accessory dwelling unit shall be located on a lot.

15                   2. The principal structure on the lot shall include one and only one dwelling unit  
16 other than the accessory dwelling unit, which other dwelling unit is referred to in this subsection  
17 23.45.545.I as the “principal unit”.

18                   3. The owner of the lot shall comply with the owner occupancy requirements of  
19 subsection 23.44.041C.

20                   4. Maximum gross floor area:

21                   a. The maximum gross floor area of an accessory dwelling unit is 650  
22 square feet;

1                   **b. The gross floor area of the accessory dwelling unit may not exceed 40**  
2 **percent of the total gross floor area in residential use on the lot, exclusive of garages, storage**  
3 **sheds, and other nonhabitable spaces.**

4                   **5. An accessory dwelling unit shall be located completely within the same**  
5 **structure as the principal unit or in an accessory structure located between the rowhouse or**  
6 **townhouse unit and the rear lot line.**

7                   **6. The entrance to an accessory dwelling unit provided within the same structure**  
8 **as the principal unit shall be provided through one of the following configurations:**

9                   **a. Through the primary entry to the principal unit; or**  
10  
11                   **b. Through a secondary entry on a different façade than the primary entry**  
12 **to the principal unit; or**

13                   **c. Through a secondary entry on the same façade as the primary entry to**  
14 **the principal unit that is smaller and less visually prominent than the entry to the principal unit,**  
15 **and does not have a prominent stoop, porch, portico or other entry feature.**

16                   **7. Exterior stairs. Exterior stairs providing access to an accessory dwelling unit**  
17 **may not exceed 4 feet in height, except for exterior stairs providing access to an accessory**  
18 **dwelling unit located above a garage.**

19                   **8. Parking. Parking is not required for an accessory dwelling unit.**

20  
21                   **J. An accessory dwelling unit within an established single-family dwelling unit or on the**  
22 **lot of an established single-family dwelling unit shall be considered an accessory use to the**  
23 **single-family dwelling unit, shall meet the standards listed for accessory dwelling units in**  
24  
25

Section 23.44.041, and shall not be considered a separate dwelling unit for any development standard purposes in multifamily zones.

Section 44. Subsections B, C, and D of Section 23.45.570 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, are amended as follows:

**23.45.570 Institutions**

\* \* \*

B. Institutions located in LR zones shall meet the development standards of this Section 23.45.570. Institutions located in MR and HR zones shall meet the development standards of the zone, and shall also meet the standards for parking, dispersion, and odors in subsections G, J, and H of this Section 23.45.570.

\* \* \*

C. Height ~~((L))~~ limits in Lowrise zones.

1. The height limit for institutions shall be the height limit for apartments ~~((Maximum height limits for institutions are as provided for multifamily residential uses))~~ in the applicable zone, except as provided in this subsection 23.45.570.C.

2. In ~~((the Lowrise Duplex/Triplex, Lowrise 1, Lowrise 2 and Lowrise 3))~~ LR1 and LR2 zones, for gymnasiums, auditoriums, and wood shops that are accessory to an institution, the maximum permitted height is 35 feet if all portions of the structure above the height limit of the zone are set back at least 20 feet from all ~~((property))~~ lot lines. Pitched roofs on the auditorium, gymnasium or wood shop with a slope of not less than 4:12 may extend 10 feet above the 35-foot height limit. No portion of a shed roof on a gymnasium, auditorium or wood shop is permitted to extend beyond 35 feet.



3. In ~~((the Lowrise 4))~~ LR3 zones, pitched roofs on an auditorium, gymnasium, or wood shop with a slope of not less than 4:12 may extend 10 feet above the ~~((37-foot))~~ height limit, ~~((No))~~ except that no portion of a shed roof is permitted to extend beyond ((37-foot)) the height limit.

D. Structure ~~((W))~~ width in Lowrise zones.

1. The maximum permitted width for structures in institutional ~~((s))~~ use in Lowrise zones is as shown in Table A for 23.45.570.

Table A for 23.45.570: Width Limits for Institutions in Lowrise zones		
Zone	Maximum Width Without <del>((Modulation or Landscaping))</del> <u>Green Factor</u> <del>((Option (feet)))</del>	Maximum Width With <del>((Modulation or Landscaping))</del> <u>Green Factor</u> <del>((Option (feet)))</del>
<del>((Lowrise Duplex/Triplex and))</del> Lowrise 1	45 feet	75 feet
Lowrise 2	45 feet	90 feet
Lowrise 3 <del>((and Lowrise 4))</del>	60 feet	150 feet

2. In order to achieve the maximum width permitted in each zone, institutional structures are required to reduce the appearance of bulk ~~((through one of the following options:))~~ by providing landscaping that achieves a Green Factor score of .5 or greater, pursuant to the standards set forth in Section 23.86.019.

~~((a. Modulation Option. Front facades, and side and rear facades facing street lot lines, shall be modulated as shown in Table B for 23.45.570. Any un-modulated portion of the facade may not comprise more than 50 percent of the total facade area; or~~

<b>Table B for 23.45.570: Width, Height, and Depth of Modulation for Institutions in Lowrise zones</b>			
	<b>Minimum depth of modulation ((in feet))</b>	<b>Minimum height of modulation ((in feet))</b>	<b>Minimum width of modulation (((feet)))</b>
<del>((Lowrise zones))</del>	4 feet	5 feet	10 feet or 20% of the total structure width, whichever is greater

~~b. Green Factor Option. Landscaping that achieves a Green Factor score of .5 or greater, pursuant to the procedures set forth in Section 23.86.019, shall be provided.))~~

\* \* \*

Section 45. Section 23.45.574 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.45.574 Assisted ((L))living ((F))facilities**

A. Assisted living facilities ~~((shall be))~~ are subject to the development standards ~~((of))~~ for apartments for the zone in which they are located except that density limits ~~((and open space))~~ and ~~((residential))~~ amenity area requirements do not apply to assisted living facilities.

B. Other ~~((R))~~ requirements.

~~((1. Minimum Unit Size. Assisted living units shall be designed to meet the minimum square footage required by WAC 388-110-140.))~~

~~((2))~~1. Facility ~~((K))~~ kitchen. An on-site kitchen that serves the entire assisted living facility is required.

~~((3))~~2. Communal ~~((A))~~ area. Communal areas (e.g., solariums, decks and porches, recreation rooms, dining rooms, living rooms, foyers and lobbies that are provided with

comfortable seating, and gardens or other outdoor landscaped areas that are accessible to wheelchairs and walkers) with sufficient accommodations for socialization and meeting with friends and family shall be provided:

a. The total amount of communal area shall, at a minimum, equal ~~((20))~~ 5 percent of the total floor area in assisted living units, or 25 percent of lot area, whichever is less.

In calculating the total floor area in assisted living units, all of the area of each of the individual units shall be counted, including counters, closets and built-ins, but excluding the bathroom;

b. No service areas, including, but not limited to, the facility kitchen, laundry, hallways and corridors, supply closets, operations and maintenance areas, staff areas and offices, and rooms used only for counseling or medical services, shall be counted toward the communal area requirement; and

c. A minimum of 400 square feet of the required communal area shall be provided outdoors, with no dimension less than 10 feet. A departure from the required amount and/or dimension of outdoor communal space may be permitted as part of the design review process, pursuant to Section 23.41.012.A.

Section 46. Subsection B of Section 23.46.002 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, is amended as follows:

**Section 23.46.002 Scope of ~~((P))~~provisions~~((r))~~**

\* \* \*

B. All RC zones are assigned a residential zone classification on the Official Land Use Map. The development standards of the designated residential zone ~~((shall))~~ apply to all uses in the RC zone except commercial uses, except that commercial uses are subject to the FAR limits

of Section 23.45.510. The development standards of the designated residential zone shall apply to all structures in the RC zone, except that parking quantity (~~((shall be))~~) is required as provided in Chapter 23.54.

\* \* \*

Section 47. Subsection C of Section 23.47A.002 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.47A.002 Scope of provisions**

\* \* \*

C. Other regulations, including but not limited to, requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may apply to development proposals. Communication utilities and accessory communication devices, except as exempted in Section 23.57.002, are subject to the regulations in this chapter and additional regulations in Chapter 23.57, Communications Regulations.

Section 48. Section 23.47A.024 of the Seattle Municipal Code, which section was enacted by Ordinance 122311, is amended as follows:

**23.47A.024 (~~((Residential))~~) Amenity (~~((A))~~)area(~~((s.))~~)**

A. (~~((Residential amenity))~~) Amenity areas(~~((, including but not limited to decks, balconies, terraces, roof gardens, plazas, courtyards, play areas, or sport courts,))~~) are required in an amount equal to (~~((five-))~~)5(~~((+))~~) percent of the total gross floor area in residential use, except as otherwise specifically provided in this (~~((chapter))~~) Chapter 23.47A. Gross floor area, for the purposes of this

subsection, excludes areas used for mechanical equipment~~((;))~~ and accessory parking ~~((and residential amenity areas))~~.

B. Required ~~((residential))~~ amenity areas ~~((must))~~ shall meet the following ~~((conditions))~~ standards, as applicable:

1. All residents ~~((must))~~ shall have access to at least one ~~((residential))~~ common or private amenity area;

2. ~~((Residential amenity))~~ Amenity areas ~~((may))~~ shall not be enclosed;

3. Parking areas, vehicular access easements, and driveways~~((, and pedestrian access to building entrances, except for pedestrian access meeting the Seattle Building Code, Chapter 11—Accessibility,))~~ do not count as ~~((residential))~~ amenity areas, except that a woonerf may provide a maximum of 50 percent of the amenity area if the design of the woonerf is approved through a design review process pursuant to Chapter 23.41;

4. Common ~~((recreational))~~ amenity areas ~~((must))~~ shall have a minimum horizontal dimension of ~~((at least ten-))~~10~~((;))~~ feet, and no common ~~((recreational))~~ amenity area ~~((can))~~ shall be less than ~~((two hundred and fifty-))~~250~~((;))~~ square feet in size;

5. Private balconies and decks ~~((must))~~ shall have a minimum area of ~~((sixty-))~~60~~((;))~~ square feet, and no horizontal dimension shall be less than ~~((six-))~~6~~((;))~~ feet.

6. Rooftop areas excluded because they are near minor communication utilities and accessory communication devices, pursuant to Section 23.57.012.C.1.d, do not qualify as ~~((residential))~~ amenity areas.

Section 49. Subsection A of Section 23.47A.027 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended as follows:

## **23.47A.027 Landmark Districts and designated landmark structures**

A. The Director, in consultation with the Director of the Department of Neighborhoods, may waive or allow departures from standards for street level development, ~~((residential))~~ amenity areas, setbacks, floor area ratio limits, and screening and landscaping for designated landmark structures or for development within a Landmark District pursuant to Seattle Municipal Code, Title 25 or within a Special Review District pursuant to Seattle Municipal Code, Chapter 23.66.

\* \* \*

Section 50. Section 23.47A.029 relating to storage of solid waste materials in commercial zones, and Section 23.48.031 relating to storage of solid waste materials in Seattle Mixed zones, which sections of the Seattle Municipal Code were last amended by Ordinance 122311 and Ordinance 121782 respectively, as shown in Attachment A to this ordinance, are repealed.

Section 51. Subsection A of Section 23.47A.035 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

### **SMC 23.47A.035 Assisted living facilities development standards~~((τ))~~**

A. Assisted living facilities are subject to the development standards of the zone in which they are located except that the ~~((residential))~~ amenity area requirements of Section 23.47A.024 do not apply.

\* \* \*

Section 52. Subsection B of Section 23.48.002, which section was last amended by Ordinance 122835, is amended as follows:

**Section 23.48.002 Scope of provisions((;))**

\* \* \*

B. Other regulations, such as requirements for streets, alleys and easements (Chapter 23.53); standards for parking quantity, access and design (Chapter 23.54); standards for solid waste storage (Chapter 23.54); signs (Chapter 23.55); and methods for measurements (Chapter 23.86) may apply to development proposals. Communication utilities and accessory communication devices except as exempted in Section 23.57.002 are subject to the regulations in this chapter and additional regulations in Chapter 23.57.

\* \* \*

Section 53. Section 23.48.020 of the Seattle Municipal Code, which section was last amended by Ordinance 121782, is amended to read as follows:

**23.48.020 ((Residential)) ((A))Amenity area((;))**

A. Quantity of ((Residential)) ((A))amenity ((A))area. All new structures containing more than ((twenty-))20((;)) dwelling units shall provide ((residential)) amenity area on the lot in an amount equivalent to ((five percent-))5((%)) percent of the total gross floor area in residential use.

B. Standards for ((Residential)) ((A))amenity ((A))area.

((1. Residential amenity area shall be provided on site)).

((2))1. The ((residential)) amenity area shall be available to all residents and may be provided at or above ground level.





structures as indicated in the table below. For the purposes of this subsection, the addition of two  
(2) or more units to a multifamily structure shall be considered expansion.

2. The design of the storage space shall meet the following requirements:

a. The storage space shall have no dimension (width and depth) less than  
six (6) feet;

b. The floor of the storage space shall be level and hard surfaced (garbage  
or recycling compactors require a concrete surface); and

c. If located outdoors, the storage space shall be screened from public  
view and designed to minimize light and glare impacts.

3. The location of the storage space shall meet the following requirements:

a. The storage space shall be located within the private property  
boundaries of the structure it serves and, if located outdoors, it shall not be located between a  
street facing facade of the structure and the street;

b. The storage space shall not be located in any required driveways,  
parking aisles, or parking spaces for the structure;

c. The storage space shall not block or impede any fire exits, public rights-  
of ways or any pedestrian or vehicular access; and

d. The storage space shall be located to minimize noise and odor to  
building occupants and neighboring developments.

4. Access to the storage space for occupants and service providers shall meet the  
following requirements:

a. For rear loading containers:

1                                   (1) ~~Any ramps to the storage space shall have a maximum slope of~~  
2 ~~six (6) percent, and~~

3                                   (2) ~~Any gates or access routes shall be a minimum of six (6) feet~~  
4 ~~wide; and~~

5                                   b. ~~For front loading containers:~~

6                                   (1) ~~Direct access shall be provided from the alley or street to the~~  
7 ~~containers,~~

8                                   (2) ~~Any proposed gates or access routes shall be a minimum of ten~~  
9 ~~(10) feet wide, and~~

10                                  (3) ~~When accessed directly by a collection vehicle into a structure,~~  
11 ~~a twenty-one (21) foot overhead clearance shall be provided.~~

12  
13                                  5. ~~The solid waste and recyclable materials storage space specifications required~~  
14 ~~in subsections 1, 2, 3, and 4 of this subsection above, in addition to the number and sizes of~~  
15 ~~containers, shall be included on the plans submitted with the permit application.~~

16  
17                                  6. ~~The Director, in consultation with the Director of Seattle Public Utilities, shall~~  
18 ~~have the discretion to allow departure from the requirements of subsections, 1, 2, 3, and 4 of this~~  
19 ~~subsection as a Type I decision when the applicant proposes alternative, workable measures that~~  
20 ~~meet the intent of this section and:~~

21                                  a. ~~For new construction, the applicant can demonstrate significant~~  
22 ~~difficulty in meeting any of the requirements of subsections 1, 2, 3, and 4 of this subsection due~~  
23 ~~to unusual site conditions such as steep topography; or~~  
24

~~b. For expansion of an existing building, the applicant can demonstrate that the requirements of subsections 1, 2, 3, and 4 of this subsection conflict with opportunities to retain ground level retail uses.~~

**Seattle Municipal Code  
Table 23.49.025 A**

Structure Type	Structure Size	Minimum Area for Storage Space	Container Type
<b>Multifamily*</b>	7—15 units	75 square feet	Rear loading
	16—25 units	100 square feet	Rear loading
	26—50 units	150 square feet	Front-loading
	51—100 units	200 square feet	Front-loading
	More than 100 units	200 square feet plus 2 square feet for each additional unit	Front-loading
<b>Commercial*</b>	0—5,000 square feet	82 square feet	Rear loading
	5,001—15,000 square feet	125 square feet	Rear loading
	15,001—50,000 square feet	175 square feet	Front-loading
	50,001—100,000 square feet	225 square feet	Front-loading
	100,001—200,000 square feet	275 square feet	Front-loading
	200,001 plus square feet	500 square feet	Front-loading

~~\* Mixed Use Buildings. Mixed use buildings with eighty (80) percent or more of floor space designated for residential use will be considered residential buildings. All other mixed use buildings will be considered commercial buildings.))~~

Section 55. Subsection H of Section 23.50.051 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended as follows:

**23.50.051 Additional floor area in certain IC-zoned areas in the South Lake Union Urban Center**

\* \* \*

H. Solid ~~((W))~~ waste and ~~((R))~~ recycling. Each structure satisfies the solid waste and recyclable materials storage space requirements of Section ~~23.48.031~~ 23.54.040.

\* \* \*

Section 56. Section 23.51A.004 of the Seattle Municipal Code, which section was enacted by Ordinance 123209, is amended as follows:

**23.51A.004 Public facilities in multifamily zones**

A. ~~((Public facilities in multifamily zones are regulated by Section 23.45.504 in addition to the provisions in this Section 23.51A.004.))~~ Except as provided in subsection D of this Section 23.51A.004, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under the applicable zoning are also permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use.

B. The following uses in public facilities are permitted outright in all multifamily zones, if the development standards for institutions in Sections 23.45.570 are met:

1. Police precinct stations;

2. Fire stations;

3. Public boat moorages;

4. Utility service uses; and

5. Other uses similar to any of the uses listed in this subsection 23.51A.004.B.

1 ((B))C. Unless specifically prohibited in ((Section 23.45.504)) subsection D of this  
2 Section 23.51A.004, new public facilities not specifically listed in subsection A or B of this  
3 Section 23.51A.004 ((in Table A for 23.45.504)), or that are listed in subsection A or B of this  
4 Section 23.51A.004 ((Table A for 23.45.504)) but do not meet ((the)) applicable development  
5 standards ((for institutions in Section 23.45.570)) or administrative conditional use criteria, may  
6 be permitted by the City Council according to the provisions of Chapter 23.76, with public  
7 projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V  
8 legislative decisions. In making the decision, the Council may waive or grant departures from  
9 development standards or administrative conditional use criteria for public facilities, if the  
10 following criteria are satisfied:  
11

12 1. The location of the public facility addresses ((specific and unique)) public  
13 service needs, and any waiver or departure from development standards or administrative  
14 conditional use criteria is necessitated by those public service delivery needs; and  
15

16 2. The impact of the public facility on surrounding properties has been addressed  
17 in the design, siting, landscaping and screening of the facility.  
18

19 D. The following public facilities are prohibited in all multifamily zones:

20 1. Jails;

21 2. Work-release centers;

22 3. Bus bases;

23 4. Park and ride lots;

24 5. Sewage treatment plants;

25 6. Animal control shelters; and  
26  
27  
28

7. Post office distribution centers.

~~((C))~~E. Expansion of ~~((U))~~uses in ~~((P))~~public ~~((F))~~facilities.

1. Major ~~((E))~~expansion. Major expansion of public facilities ~~((allowed pursuant to Section 23.45.504))~~ that are permitted by subsection C of this Section 23.51A.004 may be approved by the City Council, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as a Type V land use decisions, subject to the criteria of subsections ~~((B.1 and B.2))~~ C.1 and C.2 of this Section 23.51A.004. A major expansion of a public facility occurs ~~((when))~~ if an expansion would not meet development standards or, except for expansion of the Washington State Convention and Trade Center, the area of the expansion would exceed either 750 square feet or 10 percent of the existing area of the use, whichever is greater. A major expansion of the Washington State Convention and Trade Center is one that is 12,000 square feet or more in size. For the purposes of this subsection ~~((23.51A.004.C.1))~~ 23.51A.004.E.1, "area of the use" includes gross floor area and outdoor area devoted actively to that use, excluding parking.

2. Minor ~~((E))~~expansion. An expansion of a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities ~~((allowed pursuant to Section 23.45.504))~~ that are permitted by subsections A, B, or C of this Section 23.51A.004 are permitted ~~((according to the provisions of Chapter 23.76 for a Type I Master Use Permit))~~ outright.

~~((D. [Reserved.]))~~

~~((E))~~F. Essential public facilities will be reviewed according to the provisions of Chapter 23.80, Essential Public Facilities.

1 ((F))G. Uses in existing or former public schools:

2 1. Child care centers, preschools, public or private schools, educational and  
3 vocational training for the disabled, adult evening education classes, nonprofit libraries,  
4 community centers, community programs for the elderly and similar uses are permitted in  
5 existing or former public schools.

6 2. Other non-school uses are permitted in existing or former public schools  
7 pursuant to procedures established in Chapter 23.78, Establishment of Criteria for Joint Use or  
8 Reuse of Schools.  
9

10 Section 57. Subsection E of Section 23.51B.002 of the Seattle Municipal Code, which  
11 section was enacted by Ordinance 123209, is amended as follows:

12 **23.51B.002 Public schools in residential zones**

13 \* \* \*

14 E. Setbacks.

15 1. General Requirements.

16 a. No setbacks are required for new public school construction or for  
17 additions to existing public school structures for that portion of the site across a street or an alley  
18 from, or abutting a lot in a nonresidential zone. If any portion of the site is across a street or an  
19 alley from or abuts a lot in a residential zone, setbacks are required for areas facing or abutting  
20 residential zones, as provided in subsections 23.51B.022.E.2 through E.5 of this Section  
21 23.51B.002. Setbacks for sites across a street or alley from or abutting lots in Residential-  
22 Commercial (RC) zones are based upon the residential zone classification of the RC lot.  
23  
24  
25  
26  
27  
28

b. The minimum setback requirement may be averaged along the structure facade with absolute minimums for areas abutting lots in residential zones as provided in subsections E.2.b, E.3.b and E.4.b of this Section 23.51B.002.

c. Trash disposals, operable windows in a gymnasium, main entrances, play equipment, kitchen ventilators or other similar items shall be located at least 30 feet from any single-family zoned lot and 20 feet from any multi-family zoned lot.

d. The exceptions of subsections 23.44.014.D.5, D.6, D.7, D.8, D.9, D.10, D.11 and D.12 apply.

2. New ~~((Public School Construction on New Public School Sites))~~ public school construction on new public school sites.

a. New public school construction on new public school sites across a street or alley from lots in residential zones shall provide minimum setbacks according to the ~~((F))~~ height of the school and the designation of the facing residential zone, as shown in Table A for 23.51B.002:

<b>Table A for 23.51B.002: Minimum Setbacks for a New Public School Site Located Across a Street or Alley from a <del>((F))</del> Residential <del>((Z))</del> Zone</b>				
	Minimum Setbacks Across a Street or Alley from the Following Zones <u>(in feet):</u>			
<del>((F))</del> Height	SF/ <del>((LDT))</del> LR1	LR2/LR3 <del>((L4))</del>	MR	HR
	Average			
20' or less	15 <del>(('))</del>	10 <del>(('))</del>	5 <del>(('))</del>	0 <del>(('))</del>
Greater than 20 <del>(('))</del> up to 35 <del>(('))</del>	15 <del>(('))</del>	10 <del>(('))</del>	5 <del>(('))</del>	0 <del>(('))</del>
Greater than 35 <del>(('))</del> up to 50 <del>(('))</del>	20 <del>(('))</del>	15 <del>(('))</del>	5 <del>(('))</del>	0 <del>(('))</del>
Greater than 50 <del>(('))</del>	35 <del>(('))</del>	20 <del>(('))</del>	10 <del>(('))</del>	0 <del>(('))</del>



b. New public school construction on new public school sites abutting lots in residential zones shall provide minimum setbacks according to the ((F)) height of the school and the designation of the abutting residential zone, as shown in Table B for 23.51B.002:

<b>Table B for 23.51B.002: Minimum Setbacks for a New Public School Site Abutting a ((F))Residential Zone</b>				
	Minimum Setbacks Abutting the Following Zones (in feet):			
((F))Height	SF/((LDT))LR1	LR2/LR3((L4))	MR	HR
	Average (minimum)			
20((F)) or less	20((F)) (10((F)))	15((F))(10((F)))	10((F))(5((F)))	0((F))
Greater than 20((F)) up to 35((F))	25((F)) (10((F)))	15((F))(10((F)))	10((F))(5')	0((F))
Greater than 35((F)) up to 50((F))	25((F))(10((F)))	20((F))(10((F)))	10((F))(5((F)))	0((F))
Greater than 50((F))	30((F))(15((F)))	25((F))(10((F)))	15((F))(5((F)))	0((F))

3. New ((Public School Construction on Existing Public School Sites)) public school construction on existing public school sites.

a. New public school construction on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the ((F)) height of the school and the designation of the facing residential zone as shown in Table C for 23.51B.002, whichever is less:

**Table C for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Located Across a Street or Alley from a ~~((R))~~ Residential ~~((Z))~~ Zone**

	Minimum Setbacks <del>((When))</del> If Across a Street or Alley from the Following Zones <u>(in feet)</u> :			
Façade Height	SF/ <del>((LDT/))</del> LR1	LR2/LR3( <del>((L4))</del> )	MR	HR
	Average			
20( <del>(')</del> ) or less	10( <del>(')</del> )	5( <del>(')</del> )	5( <del>(')</del> )	0( <del>(')</del> )
Greater than 20( <del>(')</del> ) up to 35( <del>(')</del> )	10( <del>(')</del> )	5( <del>(')</del> )	5( <del>(')</del> )	0( <del>(')</del> )
Greater than 35( <del>(')</del> ) up to 50( <del>(')</del> )	15( <del>(')</del> )	10( <del>(')</del> )	5( <del>(')</del> )	0( <del>(')</del> )
Greater than 50( <del>(')</del> )	20( <del>(')</del> )	15( <del>(')</del> )	10( <del>(')</del> )	0( <del>(')</del> )

b. New public school construction on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the ~~((F))~~ height of the school and the designation of the abutting residential zone, as shown in Table D for 23.51B.002, whichever is less:

**Table D for 23.51B.002: Minimum Setbacks for New Construction on an Existing Public School Site Abutting a ~~((R))~~ Residential Zone**

	Minimum Setbacks Abutting the Following Zones <u>(in feet)</u> :			
Façade Height	SF/ <del>((LDT/))</del> LR1	LR2/LR3( <del>((L4))</del> )	MR	HR
	Average (minimum)			
20( <del>(')</del> ) or less	15( <del>(')</del> ) (10( <del>(')</del> ))	10'5( <del>(')</del> ))	10( <del>(')</del> ) (5( <del>(')</del> ))	0( <del>(')</del> ) (0( <del>(')</del> ))
Greater than 20( <del>(')</del> ) up to 35( <del>(')</del> )	20( <del>(')</del> ) (10( <del>(')</del> ))	15( <del>(')</del> ) (10( <del>(')</del> ))	10( <del>(')</del> ) (5( <del>(')</del> ))	0( <del>(')</del> ) (0( <del>(')</del> ))
Greater than 35( <del>(')</del> ) up to 50( <del>(')</del> )	25( <del>(')</del> ) (10( <del>(')</del> ))	20( <del>(')</del> )(10( <del>(')</del> ))	10( <del>(')</del> ) (5( <del>(')</del> ))	0( <del>(')</del> ) (0( <del>(')</del> ))
Greater than 50( <del>(')</del> )	30( <del>(')</del> ) (15( <del>(')</del> ))	25( <del>(')</del> )(10( <del>(')</del> ))	15( <del>(')</del> ) (5( <del>(')</del> ))	0( <del>(')</del> ) (0( <del>(')</del> ))

4. Additions to Existing Public School Structures on Existing Public School Sites.

a. Additions to existing public school structures on existing public school sites across a street or alley from lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the ((F)) height of the school and the designation of the facing residential zone as shown in Table E for 23.51B.002, whichever is less:

<b>Table E for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Located Across a Street or Alley</b>				
	Minimum Setbacks <u>(in feet)</u> <del>((When))</del> <u>If</u> Located Across a Street or Alley from:			
Façade Height	SF/ <del>((LDT))</del> LR1	LR2/LR3 <del>((L4))</del>	MR	HR
	Average			
20((')) or less	5(('))	5(('))	5(('))	0(('))
Greater than 20((-))up to 35((-))	10((-))	5((-))	5((-))	0((-))
Greater than 35((-)) up to 50((-))	15((-))	10((-))	5((-))	0((-))
Greater than 50((-))	20((-))	15((-))	10((-))	0((-))

b. Additions to public schools on existing public school sites abutting lots in residential zones shall provide either the setback of the previous structure on the site or minimum setbacks according to the height of the school and the designation of the abutting residential zone as shown in Table F for 23.51B.002, whichever is less:

**Table F for 23.51B.002: Minimum Setbacks for Additions on an Existing Public School Site Abutting a Residential Zone**

	Minimum Setbacks by Abutting Zone <u>(in feet):</u>			
Façade Height	SF/((LDT))LR1	LR2/LR3((L4))	MR	HR
	Average (minimum)			
20(°) or less	10(°)(5(°))	10(°)(5(°))	10(°)(5(°))	0(°)(0(°))
Greater than 20(°) up to 35(°)	15(°)(5(°))	10(°)(5(°))	10(°)(5(°))	0(°)(0(°))
Greater than 35(°) up to 50(°)	20(°)(10(°))	20(°)(10(°))	10(°)(5(°))	0(°)(0(°))
Greater than 50(°)	25(°)(10(°))	25(°)(10(°))	15(°)(5(°))	0(°)(0(°))

5. Departures from setback requirements may be granted or required

pursuant to the procedures and criteria set forth in Chapter 23.79 as follows:

a. The minimum average setback may be reduced to 10 feet and the minimum setback to 5 feet for structures or portions of structures across a street or alley from lots in residential zones.

b. The minimum average setback may be reduced to 15 feet and the minimum setback to 5 feet for structures or portions of structures abutting lots in residential zones.

c. The limits in subsections E.5.a and E.5.b of this Section 23.51B.002 may be waived by the Director ~~((as a Type I decision when))~~ if a waiver would contribute to reduced demolition of residential structures.

\* \* \*

Section 58. Subsection D of Section 23.53.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123104, is amended as follows:

**23.53.006 Pedestrian access and circulation**

\* \* \*

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F:

1. In any zone with a pedestrian designation, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed.

2. On streets designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016.A and 23.50.016.B, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the designated street.

3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the arterial.

4. In SF(~~(, LDT and L1)~~) and LR1 zones, sidewalks are required whenever ten or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, (~~(and when)~~) or whenever ten or more dwelling units are developed.

5. Outside of SF(~~(, LDT and L1)~~) and LR1 zones, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or

commercial zone, sidewalks are required whenever six or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, ~~((and))~~ or whenever six or more dwelling units are developed.

6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required whenever the following nonresidential uses are developed:

a. 750 square feet or more of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; ~~((and))~~ or

b. 4,000 square feet or more of nonresidential uses not listed in subsection 23.53.006.D.6.a.

\* \* \*

Section 59. Subsection B of Section 23.53.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122205, is amended as follows:

**23.53.010 Improvement requirements for new streets in all zones~~((:))~~**

\* \* \*

B. Required ~~((R))~~right-of-way ~~((W))~~widths for ~~((N))~~new ~~((S))~~streets.

1. Arterial and ~~((D))~~downtown ~~((S))~~streets. New streets located in downtown zones, and new arterials, shall be designed according to the Right-of-Way Improvements Manual.

2. Nonarterials ~~((N))~~not in ~~((D))~~downtown ~~((Z))~~zones.

a. The required right-of-way widths for new nonarterial streets not located in downtown zones shall be as shown on Table A for Section 23.53.010:

**Table A for Section 23.53.010**

Zone Category	Required Right-of-Way Width
1. SF, <del>((LDT, L4))</del> LR1, NC1	50( <del>(')</del> ) <u>feet</u>
2. LR2, LR3, <del>((L4,))</del> NC2	56( <del>(')</del> ) <u>feet</u>
3. MR, HR, NC3, C1, C2, SCM, IB, IC	60( <del>(')</del> ) <u>feet</u>
4. IG1, IG2	66( <del>(')</del> ) <u>feet</u>

b. ~~((When))~~ If a block is split into more than one ((+)) zone, the required right-of-way width is determined based on the requirement in Table A for Section 23.53.010 for the zone category with the most frontage ((shall determine the right-of-way width on the table)).  
 If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

3. Exceptions to ~~((R))~~required ~~((R))~~right-of-way ~~((W))~~widths. The Director, after consulting with the Director of Transportation, may reduce the required right-of-way width for a new street ~~((when))~~ if its ((located)) location in an environmentally critical area or buffer, disruption of existing drainage patterns, or the presence ~~((removal))~~ of natural features such as significant trees makes the required right-of-way width impractical or undesirable.

Section 60. Subsections A and D of Section 23.53.015, which section was last amended by Ordinance 123046, are amended as follows:

**23.53.015 Improvement requirements for existing streets in residential and commercial zones**

A. General ~~((R))~~requirements.

1. If new lots are proposed to be created, or if any type of development is proposed in residential or commercial zones, existing streets abutting the lot(s) are required to be improved in accordance with this Section 23.53.015 and Section 23.53.006, Pedestrian access

and circulation. A setback from the lot line, or dedication of right-of-way, may be required to accommodate the improvements. One or more of the following types of improvements may be required under this Section 23.53.015:

- a. Pavement;
- b. Curb installation;
- c. Drainage;
- d. Grading to future right-of-way grade;
- e. Design of structures to accommodate future right-of-way grade;
- f. No-protest agreements; and
- g. Planting of street trees and other landscaping.

~~((A setback from the property line, or dedication of right-of-way, may be required to accommodate the improvements.))~~

2. Subsection 23.53.015.D ~~((of this section))~~ contains exceptions from the standard requirements for street improvements, including exceptions for streets that already have curbs, projects that are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area or buffer.

3. Off-site improvements, such as provision of drainage systems or fire access roads, shall be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the Right-of-Way Improvements Manual.



5. The regulations in this ~~((section))~~ Section 23.53.015 are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

6. Minimum ~~((R))~~right-of-~~((W))~~way ~~((W))~~widths.

a. Arterials. The minimum right-of-way widths for arterials designated on the Arterial street map, Section 11.18.010, are as specified in the Right-of-Way Improvements Manual.

b. Nonarterial streets.

1) The minimum right-of-way width for an existing street that is not an arterial designated on the Arterial street map, Section 11.18.010, is as shown on Table A for 23.53.015.

<b>Table A for 23.53.015: Minimum Right-of-Way Widths for Existing Nonarterial Streets</b>		
Zone Category		Required Right-of-Way Width
1.	SF, <del>((LD,))</del> LR1, LR2 and NC1 zones; and NC2 zones with a maximum height limit of 40 <del>(('))</del> <u>feet</u> or less	40 feet
2.	LR3, <del>((L4,))</del> MR, HR, NC2 zones with height limits of more than 40 <del>(('))</del> <u>feet</u> , NC3, C1, C2 and S <del>((E))</del> M zones	52 feet

2) If a block is split into more than one zone, the required right-of-way width shall be determined based on the requirements in Table A for 23.53.015 for the zone category with the most frontage ~~((zone category with the most frontage shall determine the minimum width on Table A))~~. If the zone categories have equal frontage, the ~~((one with the wider requirement shall be used to determine the))~~ minimum right-of-way width is 52 feet.

\* \* \*

D. Exceptions.

1. Streets ~~((W))~~with ~~((E))~~existing ~~((C))~~curbs~~((:))~~

a. Streets ~~((W))~~with ~~((R))~~right-of-~~((W))~~way ~~((G))~~greater ~~((F))~~than or ~~((E))~~equal to the ~~((M))~~minimum ~~((R))~~right-of-~~((W))~~way ~~((W))~~width. If a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection 23.53.015.A.6, but the roadway width is less than the minimum established in the Right-of-Way Improvements Manual, the following requirements shall be met:

1) All structures on the lot shall be designed and built to accommodate the grade of the future street improvements.

2) A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County ~~((Department of Records and Elections))~~ Recorder.

3) Pedestrian access and circulation is required as specified in 23.53.006.

b. Streets ~~((W))~~with ~~((L))~~less than the ~~((M))~~minimum ~~((R))~~right-of-~~((W))~~way ~~((W))~~width. If a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection 23.53.015.A.6, the following requirements shall be met:

1) Setback ~~((R))~~requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.015.A.6 of this section is required; provided, however, that if a setback has

been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional 3 foot setback is also required. The area of the setback may be used to meet any development standard, except that required parking may not be located in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director(~~(, as a Type I decision)~~), after consulting with the Director of Transportation.

2) Grading (~~(R)~~) requirement. If a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, as specified in the Right-of-Way Improvements Manual.

3) No-protest (~~(A)~~) agreement (~~(R)~~) requirement. A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County (~~(Department of Records and Elections)~~) Recorder.

4) Pedestrian access and circulation is required as specified in 23.53.006.

2. Projects (~~(W)~~) with (~~(R)~~) reduced (~~(I)~~) improvement (~~(R)~~) requirements.

a. One or (~~(F)~~) two (~~(D)~~) dwelling (~~(U)~~) units. If no more than two new dwelling units are proposed to be constructed, or no more than two new (~~(Single Family)~~) single-family zoned lots are proposed to be created, the following requirements shall be met:

1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least 16 feet in width is required, as specified in the Right-of-Way Improvements Manual.

2) All structures on the lot(s) shall be designed and built to accommodate the grade of the future street improvements.

3) A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County ((Department of Records and Elections)) Recorder.

4) Pedestrian access and circulation is required as specified in by Section 23.53.006.

b. Other ((P))projects With ((R))reduced ((R))requirements. The types of projects listed in this subsection 23.53.015.D.2.b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

1) Types of ((P))projects.

i. Proposed developments that contain more than two but fewer than ten units in SF, RSL, ((LDT)) and LR1 zones, or fewer than six residential units in all other zones, or proposed short plats in which no more than two additional lots are proposed to be created;

ii. The following uses if they are smaller than 750 square feet of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales;

iii. Nonresidential structures that have less than 4,000 square feet of gross floor area and that do not contain uses listed in subsection 23.53.015.D.2.b.1.ii that are larger than 750 square feet;

iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten units in SF, RSL, ((LDT)) and

LR1 zones, or fewer than six residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections 23.53.015.D.2.b.1.ii and D.2.b.1.iii;

v. Remodeling and use changes within existing structures;

vi. Additions to existing structures that are exempt from environmental review; and

vii. Expansions of surface parking, outdoor storage, outdoor sales or outdoor display of rental equipment of less than 20 percent of the parking, storage, sales or display area or number of parking spaces.

2) Paving ~~((R))~~ requirement. For the types of projects listed in subsection 23.53.015.D.2.b.1, the streets abutting the lot shall have a hard-surfaced roadway at least 18 feet wide. If there is not an 18 foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least 20 feet from the lot to the nearest hard-surfaced street meeting this requirement, or 100 feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-Way Improvements Manual. ~~((The))~~ As a Type 1 decision, the Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

3) Other ~~((R))~~ requirements. The requirements of subsection 23.53.015.D.1.b shall also be met.

3. Exceptions from ~~((R))~~ required ~~((S))~~ street ~~((I))~~ improvements. ~~((The))~~ As a Type 1 decision, the Director, in consultation with the Director of Transportation, may waive or

1 modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest  
2 agreements, landscaping, and curb installation if one or more of the following conditions are  
3 met. The waiver or modification shall provide the minimum relief necessary to accommodate site  
4 conditions while maximizing access and circulation.

5 a. Location in an environmentally critical area or buffer, disruption of  
6 existing drainage patterns, or removal of natural features such as significant trees or other  
7 valuable and character-defining mature vegetation makes widening and/or improving the right-  
8 of-way impractical or undesirable.

10 b. The existence of a bridge, viaduct or structure such as a substantial  
11 retaining wall in proximity to the project site makes widening and/or improving the right-of-way  
12 impractical or undesirable.

14 c. Widening the right-of-way and/or improving the street would adversely  
15 affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City  
16 plan for green streets, boulevards, or other special rights-of-way, or would otherwise conflict  
17 with the stated goals of such a plan.

18 d. Widening and/or improving the right-of-way would preclude vehicular  
19 access to an existing lot.

21 e. Widening and/or improving the right-of-way would make building on a  
22 lot infeasible by reducing it to dimensions where development standards cannot reasonably be  
23 met.

24 f. One or more substantial principal structures on the same side of the  
25 block as the proposed project are located in the area needed for future expansion of the right-of-  
26

way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required 20 percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 61. Subsection A of Section 23.53.025 of the Seattle Municipal Code, which section was last amended by Ordinance 122205, is amended as follows:

**23.53.025 Access easement standards((;))**

When access by easement has been approved by the Director, the easement shall meet the following standards. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the Right-of-Way Improvements Manual.

A. Vehicle ((A))access ((E))easements ((S))serving ((Θ))one ((+)) or ((F))two ((2)) ((S))single-((F))family ((D))dwelling ((U))units or ((One-1-Duplex)) one multifamily residential use with a maximum of two units((-)) shall meet the following standards:

1. Easement width shall be a minimum of ((ten-))10((+)) feet, or ((twelve-))12((+)) feet if required by the Fire Chief due to distance of the structure from the easement.

2. No maximum easement length shall be set. If easement length is more than ((one hundred fifty-))150((+)) feet, a vehicle turnaround shall be provided.

3. Curbcut width from the easement to the street shall be the minimum necessary for safety and access.

\* \* \*

Section 62. Subsections A, B, C, and D of Section 23.53.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

**23.53.030 Alley improvements in all zones**

A. General ~~((R))~~ requirements.

1. The regulations in this ~~((section))~~ Section 23.53.030 are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

2. Subsection 23.53.030.G ~~((of this section))~~ contains exceptions from the standards requirements for alley improvements, including exceptions for projects ~~((which))~~ that are smaller than a certain size and for special circumstances, such as location in an environmentally critical area.

3. Detailed requirements for alley improvements are located in the Right-of-Way Improvements Manual, which is adopted by joint rule of the Director and the Director of Transportation.

B. New Alleys.

1. New alleys created through the platting process shall meet the requirements of Subtitle III of this title, Platting Requirements.

2. The required right-of-way widths for new alleys shall be as shown on Table A for Section 23.53.030.



**Table A for Section 23.53.030:  
 Width of New Alley Rights-of-Way**

Zone Category	Right-of-Way Width
1. SF, <del>((LDT, L4))</del> LR1, NC1	12 <del>(('))</del> feet
2. LR2, <del>((L3, L4))</del> LR3, NC2	16 <del>(('))</del> feet
3. MR, HR, NC3, C1, C2, SM and all Industrial and Downtown zones	20 <del>(('))</del> feet

3. ~~((When))~~ If an alley abuts lots in more than one ~~((4))~~ zone category, the minimum alley width shall be determined based on the requirements in Table A for Section 23.53.030 for the zone category with the most frontage excluding Zone Category 1 ~~((the zone category with the most frontage on that block, excluding Zone Category 1, along both sides of the alley determines the minimum width on the table))~~. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum alley width.

C. Definition of ~~((F))~~ improved ~~((A))~~ alley. In certain zones, alley access is required ~~((when))~~ if the alley is improved. For the purpose of determining ~~((when))~~ if access is required, the alley will be considered improved ~~((when))~~ if it meets the standards of this subsection 23.53.030.C.

1. Right-of-~~((W))~~ way ~~((W))~~ width~~(('))~~

a. The minimum width ~~((of a right-of-way which is))~~ for an alley to be considered to be improved shall be as shown on Table B for Section 23.53.030.

**Table B for Section 23.53.030:  
Right-of-Way Width for Alleys Considered to be Improved**

Zone Category	Right-of-Way Width
1. SF, <del>((LDT, L4))</del> LR1, LR2, LR3, NC1	10 <del>(('))</del> <u>feet</u>
2. <del>((L4,))</del> MR, HR, NC2	12 <del>(('))</del> <u>feet</u>
3. NC3, C1, C2 and SM	16 <del>(('))</del> <u>feet</u>

b. If an alley abuts lots in more than one ~~((L4))~~ zone category, the minimum alley width shall be determined based on the requirements in Table B for the zone category with the most frontage excluding Zone Category 1 ~~((the zone category with the most frontage on that block along both sides of the alley, excluding Zone Category 1, determines the minimum width on ((the table))). If ((the)) ((z)) Zone ((e)) Categories 2 and 3 have equal frontage, ((the one with the wider requirement shall be used to determine))~~ the minimum alley width shall be 16 feet.

2. Paving. To be considered improved, the alley shall be paved.

D. Minimum ~~((W))~~ widths ~~((E))~~ established.

1. The minimum required width for an existing alley right-of-way shall be as shown on Table C for Section 23.53.030.

**Table C for Section 23.53.030: Required Minimum Right-of-Way Widths for Existing Alleys**

Zone Category	Right-of-Way Width
1. SF and <del>((LDT))</del> LR1	No minimum width
2. <del>((L1,))</del> LR2, NC1	12 <del>(('))</del> <u>feet</u>
3. <del>((L3, L4))</del> LR3, MR, HR, NC2	16 <del>(('))</del> <u>feet</u>
4. NC3, C1, C2, SM, all downtown zones	20 <del>(('))</del> <u>feet</u>
5. All industrial zones	20 <del>(('))</del> <u>feet</u>

2. ~~((When))~~ If an alley abuts lots in more than one ~~((+))~~ zone category, the minimum alley width shall be determined based on the requirements in Table C for Section 23.53.030 for the zone category with the most frontage excluding Zone Category 1 ~~((the zone category with the most frontage on that block along both sides of the alley, excluding Zone Category 1, determines the minimum width on ((the table))~~). If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum alley width.

\* \* \*

Section 63. Table B for Section 23.54.015 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

### **23.54.015 Parking**

\* \* \*

#### **B. Parking requirements for specific zones.**

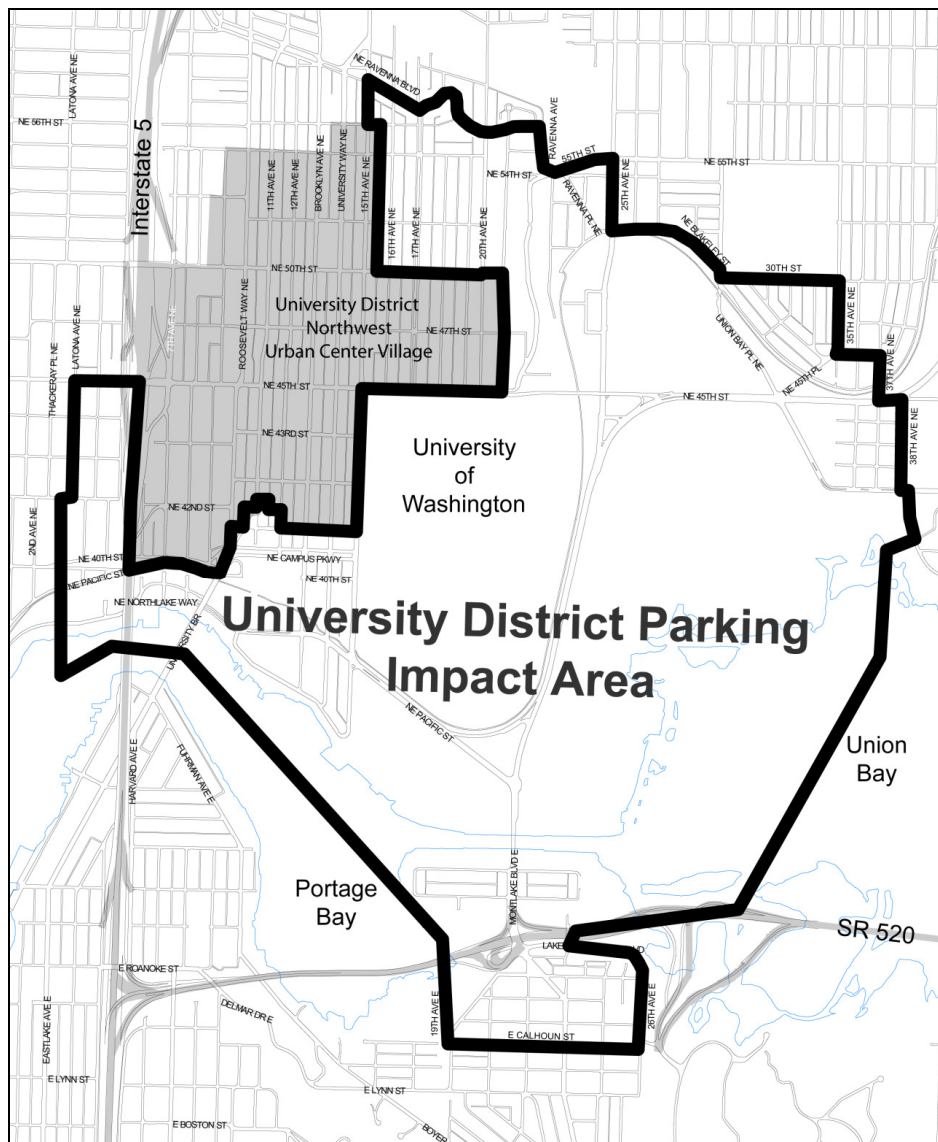
\* \* \*

<b>Table B for <del>((Section))</del> 23.54.015: PARKING FOR RESIDENTIAL USES</b>	
<b>Use</b>	<b>Minimum parking required</b>
<b>A. General Residential Uses</b>	
A. Adult family homes	1 space for each dwelling unit
B. Artist's studio/dwellings	1 space for each dwelling unit
C. Assisted living facilities	1 space for each 4 assisted living units; plus 1 space for each 2 staff members on-site at peak staffing time; plus 1 barrier-free passenger loading and unloading space
D. Caretaker's <del>((Q))</del> quarters	1 space for each dwelling unit
E. Congregate residences	1 space for each 4 residents
F. Cottage housing developments	1 space for each dwelling unit
<del>((F))</del> G. Floating homes	1 space for each dwelling unit
<del>((G))</del> H. Mobile home parks	1 space for each mobile home lot as defined in

<b>Table B for ((Section))23.54.015: PARKING FOR RESIDENTIAL USES</b>	
<b>Use</b>	<b>Minimum parking required</b>
	Chapter 22.904
((H))J. Multifamily residential uses, except as provided in Sections B or C of this Table B for ((Section)) 23.54.015. (1)	1 space per dwelling unit.
((I))J. Nursing homes (2)	1 space for each 2 staff doctors; plus 1 additional space for each 3 employees; plus 1 space for each 6 beds
((J))K. Single-family ((residences)) dwelling units	1 space for each dwelling unit
<b>B. Residential Use Requirements with Location Criteria</b>	
((K))L. Residential uses in commercial and multifamily zones within urban centers or within the Station Area Overlay District (1)	No minimum requirement
<u>M. Residential uses in commercial and multifamily zones within urban villages that are not within urban center or the Station Area Overlay District, if the residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the residential use. (1)</u>	<u>No minimum requirement</u>
((L))N. Multifamily residential uses within the University of Washington parking impact area shown on Map A for 23.54.015 (1)	1 space per dwelling unit for dwelling units with fewer than two bedrooms; plus 1.5 spaces per dwelling units with 2 or more bedrooms; plus .25 spaces per bedroom for dwelling units with 3 or more bedrooms
((M))O. Multifamily dwelling units within the Alki area shown on Map B for Section 23.54.015 (1)	1.5 spaces for each dwelling unit
<b>C. Multifamily <u>Residential Use Requirements with Income Criteria</u> ((or Location Criteria and Income Criteria))</b>	
<u>P. Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy at or below 30 percent of the median income (3), for the life of</u>	<u>0.33 space for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms</u>

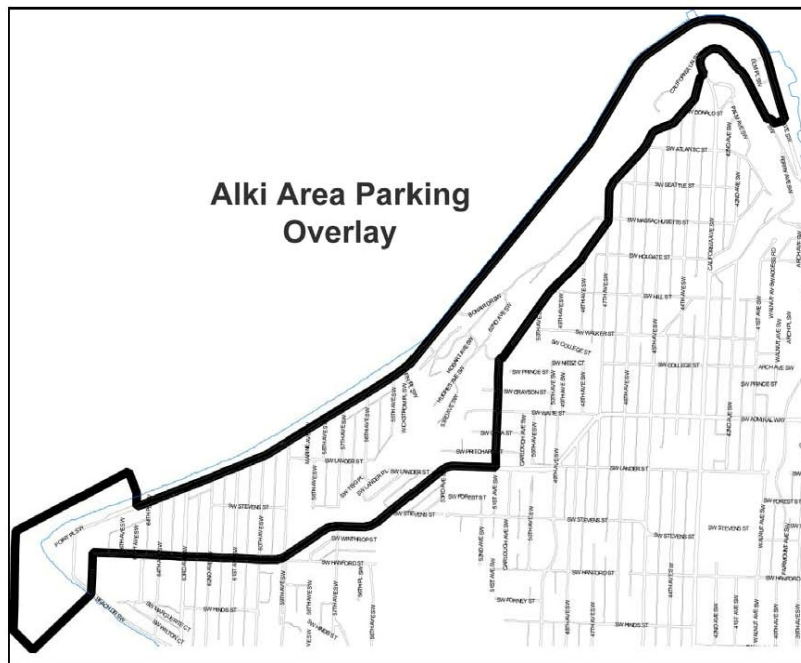
<b>Table B for ((Section))23.54.015: PARKING FOR RESIDENTIAL USES</b>	
<b>Use</b>	<b>Minimum parking required</b>
<u>the building (1)</u>	
<u>Q. Multifamily residential uses: for each dwelling unit rented to and occupied by a household with an income at time of its initial occupancy of between 30 and 50 percent of the median income (3), for the life of the building (1)</u>	<u>0.75 spaces for each dwelling unit with 2 or fewer bedrooms, and 1 space for each dwelling unit with 3 or more bedrooms</u>
<del>((O))</del> <u>R. Low-income disabled multifamily residential uses (1) (3) ((not located in urban centers or within the Station Area Overlay District))</u>	1 space for each 4 dwelling units
<del>((P))</del> <u>S. Low-income elderly/low-income disabled multifamily residential uses (1) (4) ((not located in urban centers or within in the Station Area Overlay District))</u>	1 space for each 5 dwelling units
<p>Footnotes for Table B for Section 23.54.015</p> <p>(1) The general requirement of line ((H)) I of Table B for multifamily residential uses is superseded to the extent that a use, structure or development qualifies for either a greater or a lesser parking requirement (which may include no requirement) under any other provision. To the extent that a multifamily residential use fits within more than one line in Table B for Section 23.54.015, the least of the applicable parking requirements applies, except that if an applicable parking requirement in section B of Table B for Section 23.54.015 requires more parking than line ((H)) I, the parking requirement in line ((H)) I does not apply. The different parking requirements listed for certain categories of multifamily residential uses shall not be construed to create separate uses for purposes of any requirements related to establishing or changing a use under this Title 23.</p> <p>(2) For development within single-family zones the Director may waive some or all of the parking requirements according to Section 23.44.015 as a special or reasonable accommodation. In other zones, if the applicant can demonstrate that less parking is needed to provide a special or reasonable accommodation, the Director may((, as a Type I decision,)) reduce the requirement. The Director shall specify the parking required and link the parking reduction to the features of the program that allow such reduction. The parking reductions shall be valid only under the conditions specified, and if the conditions change, the standard requirements shall be met.</p> <p>(3) Notice of Income Restrictions. Prior to issuance of any permit to establish, construct or modify any use or structure, or to reduce any parking accessory to a multifamily residential use , if the applicant relies upon these reduced parking requirements, the applicant shall record in the King County ((Office of Records and Elections)) Recorder a declaration signed and acknowledged by the owner(s), in a form prescribed by the Director, which shall identify the subject property by legal description, and shall acknowledge and provide notice to any prospective purchasers that specific income limits are a condition for maintaining the reduced parking requirement.</p>	

### Map A for 23.54.015: University District Parking Impact Area



## Map B for 23.54.015: Alki Area Parking Overlay

## Map B for 23.54.015: Alki Area Parking Overlay



\* \* \*

Section 64. Subsections F and N of Section 23.54.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123029, are amended as follows:

### 23.54.020 Parking quantity exceptions

\* \* \*

### F. Reductions to ((**M**))minimum ((**P**))parking ((**R**))requirements.

1 1. Reductions to minimum parking requirements permitted by this subsection will  
2 be calculated from the minimum parking requirements in Section 23.54.015. Total reductions to  
3 required parking as provided in this subsection may not exceed 40 percent

4 2. Transit ~~((R))~~reduction.

5 a. In multifamily and commercial zones, the minimum parking  
6 requirement for all uses ~~((may be))~~ is reduced by 20 percent ~~((when))~~ if the use is located within  
7 ~~((800))~~ 1,320 feet of a street with ~~((midday))~~ frequent transit service ~~((headways of 15 minutes or~~  
8 ~~less in each direction))~~. This distance will be the walking distance measured from the nearest  
9 ~~((bus))~~ transit stop to the lot line of the lot containing the use.

10  
11 b. In industrial zones, the minimum parking requirement for a  
12 nonresidential use ~~((may be))~~ is reduced by 15 percent ~~((when))~~ if the use is located within  
13 ~~8((00))~~ 1,320 feet of a street with peak transit service headways of 15 minutes or less ~~((in each~~  
14 ~~direction))~~. This distance will be the walking distance measured from the nearest ~~((bus))~~ transit  
15 stop to the lot line of the lot containing the use.

16  
17 3. In locations where there is a minimum parking requirement, the  
18 Director may authorize a reduction or waiver of the parking requirement ~~((as a Type I decision~~  
19 ~~when))~~ if dwelling units are proposed to be added to an existing structure in a multifamily or  
20 commercial zone, in addition to the exception permitted in subsection 23.54.020.A.2, if the  
21 conditions in subsections 23.54.020.A.3.a and b below are met, and either of the conditions in  
22 subsections 23.54.020.A.3.c or d below are met:  
23

24 a. The only use of the structure will be residential; and  
25  
26  
27  
28



b. The lot is not located in either the University District Parking Overlay Area (Map A for 23.54.015) or the Alki Area Parking Overlay (Map B for 23.54.015); and

c. The topography of the lot or location of existing structures makes provision of an off-street parking space physically infeasible in a conforming location; or

d. The lot is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than 75 percent for on-street parking within 400 feet of all lot lines.

\* \* \*

N. No parking is required for ~~((business establishments permitted))~~ commercial uses permitted in multifamily zones pursuant to subsection 23.45.504.E.

Section 65. Section 23.54.025 of the Seattle Municipal Code, which section was enacted by Ordinance 112777, is amended as follows:

**23.54.025 ((~~Parking covenants~~)) Off-site parking((:))**

~~((When parking is provided on a lot other than the lot of the use to which it is accessory, the following conditions shall apply:~~

~~A. The owner of the parking spaces shall be responsible for notifying the Director should the use of the lot for covenant parking cease. In this event, the principal use must be discontinued, other parking meeting the requirements of this Code must be provided within thirty (30) days, or a variance must be applied for within fourteen (14) days and subsequently granted.~~

~~B. A covenant between the owner or operator of the principal use, the owner of the parking spaces and The City of Seattle stating the responsibilities of the parties shall be executed. This covenant and accompanying legal descriptions of the principal use lot and the lot upon~~

1 ~~which the spaces are to be located shall be recorded with the King County Department of~~  
2 ~~Records and Elections, and a copy with recording number and parking layouts shall be submitted~~  
3 ~~as part of any permit application for development requiring parking.))~~

4 A. Where allowed. Off-site parking may be established by permit on a lot where the type  
5 of parking proposed is allowed by the provisions of this Title 23, if the lot's location is an  
6 eligible for parking accessory to the use for which the parking is required. If parking and  
7 parking access, including the proposed off-site parking, are or will be the sole uses of a lot, or if  
8 surface parking outside of structures will comprise more than half of the lot area, or if parking  
9 will occupy more than half of the gross floor area of all structures on a lot, then a permit to  
10 establish off-site parking may be granted only if principal use parking is a permitted use for such  
11 lot.

12  
13  
14 B. Development standards.

15 1. Off-site parking shall satisfy the screening and landscaping requirements and  
16 other development standards applicable where it is located, except to the extent that it is legally  
17 nonconforming to development standards prior to establishment of the off-site parking use.  
18 Unless otherwise provided, development standards regarding the relation of parking to structures  
19 apply to off-site parking in the same manner as they apply to parking accessory to the uses in  
20 such structures.

21  
22 2. Parking allowed only as temporary surface parking does not qualify as off-site  
23 parking.

24 3. Parking shall not be established as off-site parking for more than one use  
25 unless authorized to be shared according to the shared parking provisions of this Chapter 23.54.  
26

1                   4. If maximum parking limits apply to a use, off-site parking permitted for that  
2 use shall count against the maximum limit unless otherwise expressly stated in the provisions of  
3 this Title 23 applicable to the lot where the use requiring parking is located.

4                   C. Permit requirements.

5                   1. When all or part of the required parking for a use is to be provided on a lot  
6 other than the lot on which the use requiring parking is located, a permit must be obtained to  
7 establish off-site parking for the use requiring parking as a use on the off-site parking lot.

8                   2. The permit application must be submitted by or on behalf of the owner of the  
9 off-site parking lot along with written consent of the owner of the lot on which the use requiring  
10 parking is located, or such owner's authorized representative.

11                   3. The permit may be issued only after the applicant has demonstrated that the  
12 off-site parking complies with all applicable requirements of this Title 23. An application to  
13 establish off-site parking, or to change the use for which off-site parking is provided, may be  
14 considered as part of the application to establish, expand or change the use requiring off-site  
15 parking.

16                   D. Required notice.

17                   1. When off-site parking is required parking for a use on any lot, notice of this  
18 off-site parking arrangement shall be recorded with the King County Recorder for both lots. The  
19 notice shall:

20                   a. include legal descriptions of both the lots on which the use requiring  
21 parking is located and the off-site parking lot; and  
22

1                   b. identify by an attached drawing the number and location of spaces  
2 established as off-site parking for the use requiring parking;

3                   2. A copy of the notice, with attached drawing, shall be submitted as part of any  
4 permit application for any use for which the off-site parking is to be used to satisfy all or part of  
5 the parking requirement. Once the permit application is complete in every other respect, a copy  
6 of the notice, with attached drawing and a recording number assigned by the King County  
7 Recorder, shall be submitted prior to issuance of the permit.

9                   E. Termination, change, or suspension of off-site parking use.

10                   1. Except as otherwise provided in subsection F of this Section 23.54.025, in  
11 order to terminate any off-site parking use, or to establish a new use for which off-site  
12 parking will be provided on the off-site parking lot, a change of use permit is required. Such  
13 a change of use permit shall not be issued unless:

15                   a. the owner of the lot on which the use requiring parking is located  
16 has been notified in writing of the change of use; and

18                   b. the off-site parking is not required for any reason, which may  
19 include one or more of the following:

21                   1) the use requiring parking has been discontinued or reduced  
22 in size;

23                   2) the parking is no longer required by this Title 23;

25                   3) other parking meeting the requirements of Title 23 has been  
26 provided for the use requiring parking and, if it is off-site parking, established by permit;



1                   4. If a use requiring off-site parking is suspended as a result of fire, act of nature,  
2 or other causes beyond the control of the owners, or for substantial renovation or reconstruction,  
3 then subject to the applicable provisions in the zone or district where the off-site parking is  
4 located, the Director may approve the temporary use of the off-site parking to serve one or more  
5 other uses, or as general purpose parking, for a period not to exceed 180 days, subject to  
6 extensions for not more than 180 days if at the end of the initial period or any extension the use  
7 requiring parking has not recommenced.

9                   5. No permit for the demolition of a structure including off-site parking,  
10 established under this Section 24.54.025 or of any portion thereof necessary for such off-site  
11 parking, shall be issued, except in case of emergency, unless the off-site parking use has been  
12 terminated or temporarily suspended pursuant to this Section 23.54.025.E. If any such structure,  
13 or such portion thereof, is destroyed as a result of fire, act of nature, or other causes beyond the  
14 control of the owners, then the owner of the off-site parking lot may obtain a change of use  
15 permit. Upon such destruction of off-site parking, the lot on which the use requiring parking will  
16 be subject to Section 23.54.025.G.

18                   F. Off-site parking established by covenant.

20                   1. Off-site parking established by a covenant or other document approved by  
21 the Director and recorded in the King County real property records consistent with this  
22 Section 23.54.025 as in effect immediately prior to the effective date of this ordinance, if that  
23 date is after either the date of vesting under Section 23.76.026 of the Master Use Permit  
24 application with which the covenant was submitted or the date when such covenant or other  
25 document was approved, may be used as required parking for the use(s) identified in such

1 covenant to the extent to consistent with the Master Use Permit and any other conditions of  
2 the Director's approval, without compliance with subsections 23.54.025.C and D, so long as  
3 such off-site parking use is not discontinued for a period of 90 days, and subject to  
4 compliance with any applicable development standards. The owner of any such off-site  
5 parking spaces and the owner of the use requiring parking each are responsible for notifying  
6 the Director should the use of any or all of those spaces as off-site parking for the use  
7 requiring parking cease.

9 2. When maximum parking limits apply to a use requiring off-site parking,  
10 off-site parking permitted for that use under this subsection 23.54.025.F shall count against  
11 the maximum limit unless otherwise expressly stated in the provisions of this title that apply  
12 to the lot where the use requiring parking is located.

14 3. Off-site parking established by covenant or other document approved by  
15 the Director, and not by permit establishing off-site parking use, is not subject to the  
16 requirements of subsection E of this section 23.54.025.

18 4. Any replacement off-site parking established by covenant in compliance  
19 with subsection 23.54.025.G.5 shall be considered to have been established as described in  
20 subsection 23.54.025. F.1.

22 G. Effect of loss of required off-site parking.

23 1. If, for any reason, any off-site parking used to satisfy the minimum  
24 required parking for any use requiring parking is not available for off-site parking for such  
25

1 use in conformity with the applicable use permit, then it shall be unlawful to continue the use  
2 requiring parking unless:

3 a. other parking meeting the requirements of this Title 23 is provided  
4 on the same lot as the use requiring parking within 30 days;

5  
6 b. other off-site parking is secured, a permit is applied for to establish  
7 the off-site parking use within 30 days, such permit is obtained within 180 days, and the  
8 other off-site parking is completed in accordance with all applicable requirements and is in  
9 use within 180 days unless the Director, upon finding that substantial progress toward  
10 completion has been made and that the public will not be adversely affected by the extension,  
11 grants an extension in writing;

12  
13 c. the loss of off-site parking is caused by damage to or destruction of  
14 a structure, and either

15  
16 1) the owners of the off-site parking and of the lot of the use  
17 requiring parking apply for a permit to establish other existing spaces on the off-site parking  
18 lot as parking for such use within 90 days, and such permit is granted within 180 days; or

19  
20 2) the owner of the off-site parking lot applies for any permit  
21 necessary to repair or rebuild the structure so as to provide the off-site parking within 90  
22 days, the off-site parking is completed in accordance with all applicable requirements within  
23 180 days, unless the Director, upon finding that substantial progress toward completion has  
24 been made and that the public will not be adversely affected by the extension, grants an  
25 extension in writing, and if the location on the lot of the off-site parking is modified, the  
26



owner executes and records within 180 days an amendment to the notice identifying the location of the off-site parking in the rebuilt or repaired structure; or

d. a variance is applied for within 30 days and subsequently granted;  
or

e. the off-site parking was exempt, under subsection 23.54.025.F, from the requirements of subsections C, D, and E of this section 23.54.025, and within 30 days substitute off-site parking, on a lot where such parking is permitted by the provisions of this Title 23 and consistent with all applicable development standards, is provided and established by recorded covenant consistent with the terms of this Section 23.54.025 as in effect immediately prior to the effective date of this ordinance.

2. Unless a variance is applied for within such 30 day period and not denied, upon the expiration of any applicable period in subsections 23.54.025.G.1, G.2 or G.3 without the completion of the action or actions required, the use requiring parking shall be discontinued to the extent necessary so that the remaining parking for that use satisfies the applicable minimum parking requirement. Upon the denial of a variance from parking requirements the use requiring parking must be discontinued to that extent, unless the conditions of subsection 23.54.025.G.1, G.2, G.3 or G.5 are then satisfied. Each period stated in this subsection 23.54.025.G runs from the first date upon which spaces established as off-site parking are not available for use as off-site parking.

#### H. Signage.

Signage for off-site parking is required, subject to the applicable restrictions in the zone or district, both on the same lot as the use requiring parking and on the off-site parking lot, as follows:

1. One or more signs, each of a size and at a location to be approved by the Director, must be placed on the same lot as the use requiring parking indicating the address of the off-site parking and that it is available to one or more user groups (e.g., customers, employees, residents).

2. One or more signs, each of a size and at a location to be approved by the Director, must be placed on the off-site parking lot identifying the use(s) served by the parking spaces, and sufficient signage shall be provided to clearly specify the spaces that are reserved for each use requiring parking and, if applicable, the days and times when the spaces are so reserved.

3. The Director may allow the use of temporary signage for off-site parking serving spectator sports facilities.

I. Management and operation of off-site parking. If a party other than the owner of the off-site parking lot is responsible for its management and operation, the Director may require verification from the owner of the off-site parking lot that the party responsible for its management and operation has been apprised of the requirements of this section 23.54.025 and any applicable permits.

Section 66. Subsections B and D of Section 23.54.030 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, are amended as follows:

**23.54.030 Parking space standards**

\* \* \*

1 B. Parking ~~((S))~~space ~~((R))~~requirements. The required size of parking spaces shall be  
2 determined by whether the parking is for a residential, nonresidential or live-work use. In  
3 structures containing both residential and either nonresidential uses or live-work units, parking  
4 that is clearly set aside and reserved for residential use shall meet the standards of subsection  
5 23.54.030.B.1; otherwise, all parking for the structure shall meet the standards of subsection  
6 23.54.030.B.2. All uses shall provide barrier-free accessible parking if required by the Building  
7 Code, Subtitle 1 of Title 22, or the Residential Code, Subtitle 1a of Title 22.  
8

9 1. Residential ~~((U))~~uses.

10 a. When five or fewer parking spaces are provided, the minimum required  
11 size of a parking space shall be for a medium car, as described in subsection A.2 of this Section  
12 23.54.030, except as provided in subsection 23.54.030.B.1.d.  
13

14 b. When more than five parking spaces are provided, a minimum of 60  
15 percent of the parking spaces shall be striped for medium vehicles. The minimum size for a  
16 medium parking space shall also be the maximum size. Forty percent of the parking spaces may  
17 be striped for any size, provided that when parking spaces are striped for large vehicles, the  
18 minimum required aisle width shall be as shown for medium vehicles.  
19

20 c. Assisted ~~((L))~~living ~~((F))~~facilities. Parking spaces shall be provided as  
21 in subsections 23.54.030.B.1.a and B.1.b above, except that a minimum of two spaces shall be  
22 striped for a large vehicle.  
23

24 d. Townhouse units. For an individual garage serving a townhouse unit,  
25 the minimum required size of a parking space shall be for a large car, as described in subsection  
26 23.54.030.A.  
27  
28

2. Nonresidential ~~((U))~~uses and ~~((L))~~live-work ~~((U))~~units.

a. When ten or fewer parking spaces are provided, a maximum of 25 percent of the parking spaces may be striped for small vehicles. A minimum of 75 percent of the spaces shall be striped for large vehicles.

b. When between 11 and 19 parking spaces are provided, a minimum of 25 percent of the parking spaces shall be striped for small vehicles. The minimum required size for these small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

c. When 20 or more parking spaces are provided, a minimum of 35 percent of the parking spaces shall be striped for small vehicles. The minimum required size for small parking spaces shall also be the maximum size. A maximum of 65 percent of the parking spaces may be striped for small vehicles. A minimum of 35 percent of the spaces shall be striped for large vehicles.

d. The minimum vehicle clearance shall be at least 6 feet 9 inches on at least one floor, and there shall be at least one direct entrance from the street that is at least 6 feet 9 inches in height for all parking garages accessory to nonresidential uses and live-work units and for all principal use parking garages.

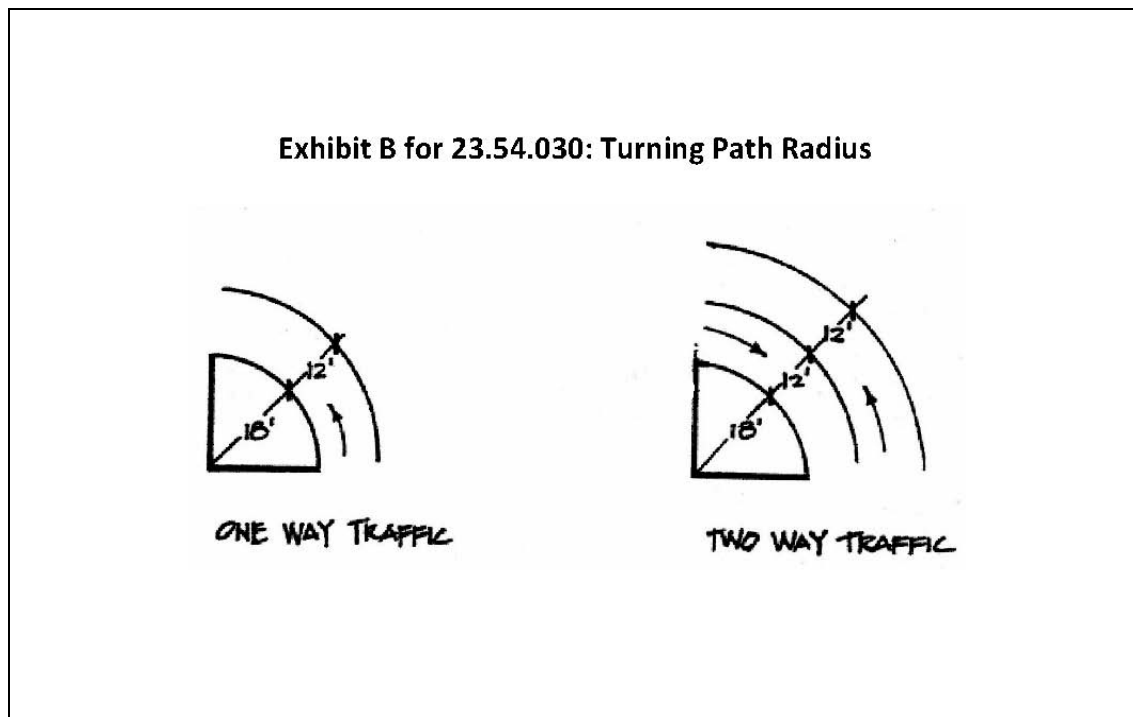
\* \* \*

D. Driveways. Driveway requirements for residential and nonresidential uses are described below. When a driveway is used for both residential and nonresidential parking, it shall meet the standards for nonresidential uses described in subsection 23.54.030.D.2.

1. Residential ((U))uses.

a. Driveways shall be at least 10 feet wide. Driveways with a turning radius of more than 35 degrees shall conform to the minimum turning path radius shown in Exhibit B for 23.54.030.

**Exhibit B for 23.54.030: Turning Path Radius**



b. Vehicles may back onto a street from a parking area serving five or fewer vehicles, provided that:

1) The street is not an arterial as defined in Section 11.18.010 of the Seattle Municipal Code;

2) ~~((The slope of a driveway shall be 15 percent on average, measured from high to low points.))~~ The slope of the driveway does not exceed 10 percent in the

first 20 feet from the lot line. The ends of a driveway shall be adjusted to accommodate an appropriate crest and sag.

3) For one single-family structure, the Director may waive the requirements of subsections 23.54.030.D.1.b.(1) and (2) above, and may modify the parking access standards based upon a safety analysis(~~(, addressing)~~) that addresses visibility, traffic volume, and other relevant issues.

c. Driveways less than 100 feet in length that serve 30 or fewer parking spaces(~~(;)~~) shall be a minimum of 10 feet in width for one way or two way traffic.

d. Except for driveways serving one single-family dwelling, driveways more than 100 feet in length that serve 30 or fewer parking spaces shall either:

1) Be a minimum of 16 feet wide, tapered over a 20 foot distance to a 10 foot opening at the lot line; or

2) Provide a passing area at least 20 feet wide and 20 feet long. The passing area shall begin 20 feet from the lot line, with an appropriate taper to meet the 10 foot opening at the lot line. If a taper is provided at the other end of the passing area, it shall have a minimum length of 20 feet.

e. Driveways serving more than 30 parking spaces shall provide a minimum 10 foot wide driveway for one way traffic or a minimum 20 foot wide driveway for two way traffic.

f. Nonconforming (~~(D)~~)driveways. The number of parking spaces served by an existing driveway that does not meet the standards of this subsection 23.54.030.D.1 shall

not be increased. This prohibition may be waived by the Director after consulting with the  
Director of the Seattle Department of Transportation, based on a safety analysis.

## 2. Nonresidential Uses.

### a. Driveway Widths.

1) The minimum width of driveways for one way traffic shall be  
12 feet and the maximum width shall be 15 feet.

2) The minimum width of driveways for two way traffic shall be  
22 feet and the maximum width shall be 25 feet.

b. Driveways shall conform to the minimum turning path radius shown in  
Exhibit B for 23.54.030.

3. Driveway ~~((S))~~ slope. No portion of a driveway, whether located on a lot or on a  
right-of- way, shall exceed a slope of ~~((20))~~ 15 percent, except as provided in this subsection  
23.54.030.D.3. The maximum ~~((20))~~ 15 percent slope shall apply in relation to both the current  
grade of the right-of-way to which the driveway connects, and to the proposed finished grade of  
the right-of-way if it is different from the current grade. The ends of a driveway shall be adjusted  
to accommodate an appropriate crest and sag. The Director~~((, as a Type I decision,))~~ may permit  
a driveway slope of more than ~~((20))~~ 15 percent if it is found that:

a. The topography or other special characteristic of the lot makes a ~~((20))~~  
15 percent maximum driveway slope infeasible;

b. The additional amount of slope permitted is the least amount necessary  
to accommodate the conditions of the lot; and

c. The driveway is still useable as access to the lot.

\* \* \*

Section 67. The Title of Chapter 23.54 of the Seattle Municipal Code, which Chapter was last amended by Ordinance 123209, is amended as follows:

**Chapter 23.54 Quantity and Design Standards for Access, ~~((and))~~ Off-Street Parking, and Solid Waste Storage**

Section 68. A new Section 23.54.040 of the Seattle Municipal Code is added as follows:

**23.54.040 Solid waste and recyclable materials storage and access**

A. Except as provided in subsection I of this Section 23.54.040, in downtown, multifamily, and commercial zones, storage space for solid waste and recyclable materials containers shall be provided as shown in Table A for 23.54.040 for all new structures, and for existing structures to which two or more dwelling units are added.

1. Residential uses proposed to be located on separate platted lots, for which each dwelling unit will be billed separately for utilities, shall provide one storage area per dwelling unit that has minimum dimensions of 2 feet by 6 feet.

2. Residential development for which a home ownership association or other single entity exists or will exist as a sole source for utility billing may meet the requirement in subsection 23.54.040.A.1, or the requirement in Table A for 23.54.040.

3. Nonresidential development shall meet the requirement in Table A for 23.54.040.

<b>Table A for 23.54.040: Shared Storage Space for Solid Waste Containers</b>
---



<b>Residential Development</b>	<b>Minimum Area for Shared Storage Space</b>
2-8 dwelling units	84 square feet
9-15 dwelling units	150 square feet
16-25 dwelling units	225 square feet
26-50 dwelling units	375 square feet
51-100 dwelling units	375 square feet plus 4 square feet for each additional unit above 50
More than 100 dwelling units	575 square feet plus 4 square feet for each additional unit above 100, except as permitted in subsection 23.54.040.C
<b>Nonresidential Development (Based on gross floor area of all structures on the lot)</b>	<b>Minimum Area for Shared Storage Space</b>
0--5,000 square feet	82 square feet
5,001--15,000 square feet	125 square feet
15,001--50,000 square feet	175 square feet
50,001--100,000 square feet	225 square feet
100,001--200,000 square feet	275 square feet
200,001 plus square feet	500 square feet
Mixed use development that contains both residential and nonresidential uses, shall meet the requirements of subsection 23.54.040.B.	

B. Mixed use development that contains both residential and nonresidential uses shall meet the storage space requirements shown in Table A for 23.54.040 for residential development, plus 50 percent of the requirement for nonresidential development. In mixed use developments, storage space for garbage may be shared between residential and nonresidential uses, but separate spaces for recycling shall be provided.

C. For development with more than 100 dwelling units, the required minimum area for storage space may be reduced by 15 percent, if the area provided as storage space has a minimum horizontal dimension of 20 feet.

1 D. The storage space required by Table A for 23.54.040 shall meet the following  
2 requirements:

3 1. For developments with 8 or fewer dwelling units, the minimum horizontal  
4 dimension (width and depth) for required storage space is 7 feet. For developments with 9  
5 dwelling units or more, the minimum horizontal dimension of required storage space is 12 feet;

6 2. The floor of the storage space shall be level and hard-surfaced, and the floor  
7 beneath garbage or recycling compactors shall be made of concrete; and  
8

9 3. If located outdoors, the storage space shall be screened from public view and  
10 designed to minimize light and glare impacts.

11 E. The location of all storage spaces shall meet the following requirements:

12 1. The storage space shall be located on the lot of the structure it serves and, if  
13 located outdoors, shall not be located between a street-facing facade of the structure and the  
14 street;  
15

16 2. The storage space shall not be located in any required driveways, parking  
17 aisles, or parking spaces;

18 3. The storage space shall not block or impede any fire exits, any public rights-of-  
19 way, or any pedestrian or vehicular access;  
20

21 4. The storage space shall be located to minimize noise and odor impacts on  
22 building occupants and beyond the lot lines of the lot;

23 5. The storage space shall meet the contractor safety standards promulgated by  
24 the Director of Seattle Public Utilities; and  
25  
26  
27  
28

6. The storage space shall not be used for purposes other than solid waste and recyclable materials storage and access.

F. Access for service providers to the storage space from the collection location shall meet the following requirements:

1. For containers 2 cubic yards or smaller:

a. Containers to be manually pulled shall be placed no more than 50 feet from a curb cut or collection location;

b. Collection location shall not be within a bus stop or within the right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

c. Access ramps to the storage space shall not exceed a grade of 6 percent; and

d. Any gates or access routes for trucks shall be a minimum of 10 feet wide.

2. For containers larger than 2 cubic yards and all compacted refuse containers:

a. Direct access shall be provided from the alley or street to the containers;

b. Any gates or access routes for trucks shall be a minimum of 10 feet wide;

c. Collection location shall not be within a bus stop or within the street right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;

d. If accessed directly by a collection vehicle, whether into a structure or otherwise, a 21 foot overhead clearance shall be provided.

1 G. Access for occupants to the storage space from the collection location shall meet the  
2 following requirements:

- 3 1. Direct access shall be provided from the alley or street to the containers;
- 4 2. A pick-up location within 50 feet of a curb cut or collection location shall be  
5 designated that minimizes any blockage of pedestrian movement along a sidewalk or other right-  
6 of-way;
- 7 3. If a planting strip is designated as a pick-up location, any required landscaping  
8 shall be designed to accommodate the solid waste and recyclable containers within this area.

9 H. The solid waste and recyclable materials storage space, access and pick-up  
10 specifications required in this Section 23.54.040, including the number and sizes of containers,  
11 shall be included on the plans submitted with the permit application for any development subject  
12 to the requirements of this Section 23.54.040.  
13  
14

15 I. The Director, in consultation with the Director of Seattle Public Utilities, has the  
16 discretion to grant departures from the requirements of this Section 23.54.040, as a Type I  
17 decision, if the applicant proposes alternative, workable measures that meet the intent of this  
18 Section 23.54.040 and if either:  
19

- 20 1. The applicant can demonstrate difficulty in meeting any of the requirements of  
21 this Section 23.54.040; or
- 22 2. The applicant proposes to construct or expand a structure, and the requirements  
23 of this Section 23.54.040 conflict with opportunities to increase residential densities and/or retain  
24 ground-level retail uses.  
25  
26  
27  
28

Section 69. Subsection C.1 of Section 23.57.011, which section was last amended by Ordinance 123209, is amended as follows:

**23.57.011 Lowrise, Midrise and Highrise zones((r))**

\* \* \*

C. Development ((S))standards.

1. Location. Minor communication utilities and accessory communication devices regulated pursuant to Section 23.57.002 and amateur radio towers:

- a. Are prohibited in a required front or side setback.
- b. May be located in a required rear setback, except for transmission towers.
- c. In all Lowrise, Midrise and Highrise zones, minor communication utilities and accessory communication devices may be located on rooftops of buildings, including sides of parapets and penthouses above the roofline. Rooftop space within the following parameters shall not count toward meeting open space or ((residential)) amenity area requirements: the area 8 feet from and in front of a directional antenna and at least 2 feet from the back of a directional antenna, or, for an omnidirectional antenna, 8 feet away from the antenna in all directions. The Seattle-King County Public Health Department may require a greater distance for paging facilities after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

\* \* \*

Section 70. Subsection C.1 of Section 23.57.012, which section was last amended by Ordinance 122311, is amended as follows:

## 23.57.012 Commercial zones((:))

\* \* \*

### C. Development ((S))standards.

1. Location and ((H))height. Facilities in special review, historic, and landmark districts are subject to the standards of Section 23.57.014. On sites that are not in special review, historic, or landmark districts, antennas may be located on the rooftops of buildings, including sides of parapets and equipment penthouses above the roofline, subject to the height limits in ((Paragraphs)) subsections 23.57.012.1.a and 1.b, as limited by ((Paragraph)) subsection 23.57.012.1.c. below:

a. Utilities and devices located on a rooftop of a building nonconforming as to height may extend up to ((fifteen-))15((+)) feet above the height of the building legally existing as of the effective date of Ordinance 120928.<sup>1</sup>

b. Utilities and devices located on a rooftop of a building that conforms to the height limit may extend up to ((fifteen-))15((+)) feet above the zone height limit or above the highest portion of a building, whichever is less.

c. Any height above the underlying zone height limit permitted under subsections 23.57.012.C.1.a and C.1.b, shall be allowed only if the combined total coverage by communication utilities and accessory communication devices, in addition to the roof area occupied by rooftop features listed in Section 23.47A.012.D.4, does not exceed ((twenty)) 20 percent ((20%)) of the total rooftop area, or ((twenty-five)) 25 percent ((25%)) of the rooftop area ((when)) if mechanical equipment is screened.

d. The following rooftop areas shall not be counted towards ~~((residential))~~ amenity area requirements:

~~((i))~~1 The area ~~((eight-))~~8~~((+))~~ feet from and in front of a directional antenna and the area ~~((two-))~~2~~((+))~~ feet from and in back of a directional antenna.

~~((ii))~~2 The area within ~~((eight-))~~8~~((+))~~ feet in any direction from an omnidirectional antenna.

~~((iii))~~3 Such other areas in the vicinity of paging facilities as determined by the Seattle-King County Health Department after review of the Non-Ionizing Electromagnetic Radiation (NIER) report.

\* \* \*

Section 71. Subsection B of Section 23.71.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

**23.71.012 Special ~~((L))~~landscaped ~~((A))~~arterials~~((+))~~**

\* \* \*

B. ~~((When))~~ If an owner proposes substantial development on lots abutting special landscaped arterials, the owner shall provide the following:

1. Street trees meeting standards established by the Director of Seattle Department of Transportation~~((;))~~.

2. A ~~((six-))~~6~~((+))~~ foot planting strip and ~~((six-))~~6~~((+))~~ foot sidewalk if the lot is zoned SF, ~~((LDT;))~~ LR1, or LR2~~((;))~~.

3. A ~~((six-))~~6((+)) foot planting strip and a ~~((six-))~~6((+)) foot sidewalk, or, at the owner's option, a ~~((twelve-))~~12((+)) foot sidewalk without a planting strip, if the lot is zoned NC2, NC3, RC, ~~((L4))~~ LR3, or MR~~((+))~~.

4. Pedestrian improvements, as determined by the Director of the Seattle Department of Transportation, such as, but not limited to special pavers, lighting, benches and planting boxes.

Section 72. Subsection B of Section 23.71.030, which section was enacted by Ordinance 116795, is amended as follows:

**23.71.030 Development standards for transition areas within the Northgate Overlay District~~((+))~~**

\* \* \*

B. The requirements of this ~~((section))~~ Section 23.71.030 apply to development on lots in the more intensive zones under the following conditions:

1. Where a lot zoned ~~((Lowrise 4 (L4)))~~ Lowrise 3, (LR3), Midrise (MR), Midrise/85 (MR/85) or Highrise (HR) abuts or is across a street or alley from a lot zoned Single-Family (SF), ~~((Lowrise Duplex-Triplex (LDT)))~~ Lowrise 1 (LR1), or Lowrise 2 (LR2); and

2. Where a lot zoned Neighborhood Commercial 2 or 3 (NC2, NC3) with a height limit of ~~((forty-))~~40((+)) feet or greater abuts or is across a street or alley from a lot zoned Single-Family (SF), ~~((Lowrise Duplex-Triplex (LDT)))~~ Lowrise 1 (LR1), or Lowrise 2 (LR2).

\* \* \*

Section 73. Section 23.71.036 of the Seattle Municipal Code, which section was enacted by Ordinance 116795, is amended as follows:



### 23.71.036 Maximum width and depth of structures((;))

The maximum width and depth requirements of this ((section)) Section 23.71.036 shall apply only to portions of a structure within ((fifty-))50((;)) feet of a lot line abutting, or directly across a street right-of-way ((which)) that is less than ((eighty-))80((;)) feet in width, from a less intensive residential zone as provided in Table A for 23.71.036((-A)).

**Table A for 23.71.036((A)); Structure Width and Depth Standards for Transition Areas**

Subject ((Site)) <u>Lot</u>	Abutting Residential zone (or) zone across a street right-of-way less than ((eighty-))80((+)) feet in width	Maximum Width	Maximum Depth
((L4)) <u>LR3</u> , MR, MR/85 and HR	Single ((F))family <u>dwelling units</u> , ((LDT,)) <u>LR1</u> or <u>LR2</u>	Apartments: 75 feet	65% depth of lot with no individual structure to exceed 90 feet
		Rowhouse((s)) and ((F)) <u>townhouse((s)) developments</u> : 130 feet	
NC2 and NC3 ((w/)) <u>with</u> 40 feet or greater height limits ((in width.))	Single ((F))family <u>dwelling units</u> , ((LDT,)) <u>LR1</u> or <u>LR2</u>	Above a height of 30 feet, wall length shall not exceed 80% of abutting lot line, to a maximum of 60 feet.	

Section 74. Subsection A of Section 23.76.004, and Exhibit 23.76.004 A of the Seattle Municipal Code, which section was last amended by Ordinance 123046, are amended to read as follows:

### 23.76.004 Land use decision framework((;))

A. Land use decisions are classified into five ((5)) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five ((5))

different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in ~~((Exhibit A))~~ Table A for 23.76.004.

\* \* \*

<b><del>((Exhibit 23.76.004 A))</del> Table A for 23.76.004</b> <b>LAND USE DECISION FRAMEWORK</b> <b>DIRECTOR'S AND HEARING EXAMINER'S</b> <b>DECISIONS REQUIRING MASTER USE PERMITS</b>		
<b>TYPE I</b> <b>Director's Decision (No</b> <b>Administrative Appeal)</b>	<b>TYPE II</b> <b>Director's Decision</b> <b>(Appealable to Hearing</b> <b>Examiner*)</b>	<b>TYPE III</b> <b>HEARING Examiner's</b> <b>Decision</b> <b>(No Administrative Appeal)</b>
<ul style="list-style-type: none"> <li>• Compliance with development standards</li> <li>• Uses permitted outright</li> <li>• Temporary uses, four weeks or less</li> <li>• Intermittent uses</li> <li>• Certain street uses</li> <li>• Lot boundary adjustments</li> <li>• Modifications of features bonused under Title 24</li> <li>• Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation</li> <li>• Temporary uses for relocation of police and fire stations</li> <li>• Exemptions from right-of-way improvement requirements</li> <li>• Special accommodation</li> <li>• Reasonable</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary uses, more than four weeks, except for temporary relocation of police and fire stations</li> <li>• Variances</li> <li>• Administrative conditional uses</li> <li>• Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)</li> <li>• Short subdivisions</li> <li>• Special Exceptions</li> <li>• Design review, <u>except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested, other than to preserve an exceptional tree</u></li> <li>• Light rail transit facilities</li> <li>• The following environmental determinations:</li> </ul>	Subdivisions (preliminary plats)

**((~~Exhibit 23.76.004 A~~))Table A for 23.76.004**  
**LAND USE DECISION FRAMEWORK**  
**DIRECTOR'S AND HEARING EXAMINER'S**  
**DECISIONS REQUIRING MASTER USE PERMITS**

<b>TYPE I</b> <b>Director's Decision (No</b> <b>Administrative Appeal)</b>	<b>TYPE II</b> <b>Director's Decision</b> <b>(Appealable to Hearing</b> <b>Examiner*)</b>	<b>TYPE III</b> <b>HEARING Examiner's</b> <b>Decision</b> <b>(No Administrative Appeal)</b>
accommodation <ul style="list-style-type: none"> <li>Minor amendment to a Major Phased Development Permit</li> <li>Determination of public benefit for combined lot FAR</li> <li>Determination of whether an amendment to a Property Use and Development Agreement is major or minor</li> <li><u>Streamlined design review, pursuant to Section 23.41.018, if no development standard departures are requested, other than to preserve an exceptional tree</u></li> <li>Other Type I decisions that are identified as such in the Land Use Code</li> </ul>	<ol style="list-style-type: none"> <li>Determination of nonsignificance (EIS not required)</li> <li>Determination of final EIS adequacy</li> <li>Determination of significance based solely on historic and cultural preservation</li> <li>A decision by the Director to approve, condition or deny a project based on SEPA Policies</li> <li>A decision by the Director that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)</li> </ol> <ul style="list-style-type: none"> <li>Major Phased Development</li> <li>Downtown Planned Community Developments</li> </ul>	

\* \* \*

Section 75. Subsections B and C of Section 23.76.006 of the Seattle Municipal Code, which section was last amended by Ordinance 122824, are amended to read as follows:

**23.76.006 Master Use Permits required((:))**

\* \* \*

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, temporary uses for four weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for 24 months or less;
3. The following street use approvals associated with a development proposal:
  - a. Curb cut for access to parking((?));
  - b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving((?));
  - c. Structural building overhangs((?));
  - d. Areaways;
4. Lot boundary adjustments;
5. Modification of the following features bonused under Title 24:
  - a. Plazas((?));
  - b. Shopping plazas((?));
  - c. Arcades((?));
  - d. Shopping arcades((?));
  - e. Voluntary building setbacks;
6. Determinations of Significance (determination that an environmental impact statement is required) for Master Use Permits and for building, demolition, grading and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by Section 23.55.042D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015;

10. Reasonable accommodation;

11. Minor amendment to Major Phased Development Permit;

12. Determination of public benefit for combined lot development;

13. Streamlined design review pursuant to Section 23.41.018, if no development standard departures are requested pursuant to Section 23.41.012, other than for the purpose of preserving an exceptional tree; and

~~((13))~~14. Other Type I decisions that are identified as such in the Land Use Code.

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, Environmental Policies and Procedures):

a. Determinations of Nonsignificance (DNSs), including mitigated DNSs;

b. Determination that a final environmental impact statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations, which are appealable to the Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in Section 23.42.040.E, but excepting temporary relocation of police and fire stations for 24 months or less;

b. Short subdivisions;

c. Variances; provided that, variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that, special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

e. Design review, including streamlined design review pursuant to Section 23.41.018 if development standard departures are requested pursuant to Section 23.41.012, other than for the purpose of preserving an exceptional tree;

f. Administrative conditional uses; provided that, administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

1 ((e))1) Shoreline substantial development permits,

2 ((e))2) Shoreline variances,

3 ((e))3) Shoreline conditional uses;

4 h. Major Phased Development;

5 i. Determination of project consistency with a planned action ordinance  
6 and EIS;

7 j. Establishment of light rail transit facilities necessary to operate and  
8 maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

9 k. Establishment of monorail transit facilities necessary to operate and  
10 maintain a monorail transit system, in accordance with the provisions of Section 23.80.004 and  
11 Section 15.54.020; and  
12

13 l. Downtown planned community developments.

14 \* \* \*

15  
16 Section 76. Section 23.76.011 of the Seattle Municipal Code, which Section was last  
17 amended by Ordinance 122054, is amended as follows:

18 **23.76.011 Notice of ((early)) design guidance and planned community development**  
19 **process((z))**  
20

21 A. The Director shall provide the following notice for the required early design guidance  
22 process or streamlined administrative design review (SDR) guidance process for design review  
23 projects subject to any of Sections 23.41.014, 23.41.016, and 23.41.018, and for the preparation  
24 of priorities for planned community developments:

25 1. Publication of notice in the Land Use Information Bulletin; and  
26  
27  
28

2. Mailed notice; and

B. The applicant shall post one ~~((4))~~ land use sign visible to the public at each street frontage abutting the site except ~~((, when))~~ that if there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one ~~((4))~~ sign and/or an alternative posting location so that notice is clearly visible to the public.

C. For the required meeting for the preparation of priorities for a planned community development, and for a public meeting required for early design guidance, the time, date, location and purpose of the meeting shall be included with the mailed notice.

D. The land use sign may be removed by the applicant the day after the public meeting.

Section 77. Subsection B of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended as follows:

**23.76.012 Notice of application~~((:))~~**

\* \* \*

B. Types of ~~((N))~~notice ~~((R))~~required.

1. For projects subject to environmental review, or design review~~((, except administrative design review))~~ pursuant to Section 23.41.014, the department shall direct the installation of an environmental review sign on the site, unless an exemption or alternative posting as set forth in this subsection 23.76.012.B is applicable. The environmental review sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall be removed at the direction of the department after final City action on the application has been completed.



a. In the case of submerged land, the environmental review sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection 23.76.012.B.1.c.

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical area, are exempt from the environmental review sign requirement.

c. When use of an environmental review sign is neither feasible nor practicable to assure that notice is clearly visible to the public, the Director shall post ten ~~((10))~~ placards within ~~((three hundred-))~~ 300~~((9))~~ feet of the site and at the closest street intersections when one ~~((1))~~ or more of the following conditions exist:

(1) The project site is over ~~((five-))~~ 5~~((9))~~ acres;

(2) The applicant is not the property owner, and the property owner does not consent to the proposal;

(3) The site is subject to physical characteristics such as steep slopes or is located such that the environmental review sign would not be highly visible to neighboring residents and property owners or interested citizens.

d. The Director may require both an environmental review sign and the alternative posting measures described in subsection 23.76.012.B.1.c, or may require that more than one ~~((1))~~ environmental review sign be posted, when necessary to assure that notice is clearly visible to the public.

2. For projects that are categorically exempt from environmental review, the department shall post one ((4)) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director may post more than one ((4)) sign and/or an alternative posting location so that notice is clearly visible to the public. The land use sign may be removed by the applicant within ((fourteen-))14((+)) days after final action on the application has been completed.

3. For all projects requiring notice of application, the Director shall provide notice in the Land Use Information Bulletin. For projects subject to the environmental review, notice in the Land Use Information Bulletin shall be published after installation of the environmental review sign.

4. In addition, for variances, administrative conditional uses, temporary uses for more than ((four-))4((+)) weeks, shoreline variances, shoreline conditional uses, short plats, early design guidance process, School Use Advisory Committee (SUAC) formation and school development standard departure, the Director shall provide mailed notice.

5. Mailed notice of application for a project subject to design review, ~~((or administrative design review))~~ except streamlined design review pursuant to Section 23.41.018 for which no development standard departure pursuant to Section 23.41.012 is requested, shall be provided to all persons establishing themselves as parties of record by attending an early design guidance public meeting for the project or by corresponding with the Department about the proposed project before the date of publication.

6. Additional notice for subdivisions shall include mailed notice and publication in at least one ((4)) community newspaper in the area affected by the subdivision.

\* \* \*

Section 78. Section 23.76.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 122611, is amended as follows:

**23.76.026 Vesting (~~of development rights~~)**

A. Master Use Permit (~~(C)~~) components (~~(O)~~) other (~~(F)~~) than (~~(S)~~) subdivisions and (~~(S)~~) short (~~(S)~~) subdivisions. Except as otherwise provided in this Section 23.76.026 or otherwise required by law, (~~(A)~~) applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date:

1. Notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or the Director's decision if no Hearing Examiner appeal is available; or

2. A fully complete building permit application, (~~(meeting the requirements of)~~) as determined under Section 106 of the Seattle Building Code or Section R105 of the Seattle Residential Code, is filed.

B. Subdivision and (~~(S)~~) short (~~(S)~~) subdivision (~~(C)~~) components of Master Use Permits. An application for approval of a subdivision or short subdivision of land shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete (~~(Master Use Permit)~~) application for such approval that satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

C. Design (~~(R)~~) review (~~(C)~~) component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, no design review component ~~((shall be))~~ is required.

2. A complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the ~~((design review))~~ early design guidance process or SDR guidance process is submitted to the Director, provided that such Master Use Permit application is filed within ~~((ninety-))~~90~~((+))~~ days of the date of the early design guidance public meeting if an early design guidance public meeting is required.

~~D. ((Notwithstanding any other provision of this section or this chapter, no application for a permit for development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section 25.09.020 B1a, shall vest during the term of the ordinance codified in this section unless the Director permits the work pursuant to subsections A, B, C, D, or E of Section 25.09.010.))~~ {RESERVED}

~~E. ((Notwithstanding any other provision of this section or this chapter, all development that is subject to Chapter 25.09 and that is proposed for a landslide-prone area as described in Section 25.09.020 B1a, shall have its vested rights suspended as follows during the term of the ordinance codified in this section:~~

~~1. No notice of the Director's decision on an application for a Master Use Permit shall be published unless the Director is satisfied that no significant changes in conditions at the site or surrounding area have occurred that render invalid or out of date the analysis and~~

~~recommendations contained in the technical reports and other application materials previously submitted to DPD as part of the application for the Master Use Permit;~~

~~2. No building permit shall issue; and~~

~~3. No approval of the foundation and site of a building or structure, as required by Section 108.5.2 of the Seattle Building Code, shall be granted. This suspension of vested rights shall not apply to the extent that development is permitted by the Director pursuant to subsections A, B, C, D, or E of Section 25.09.010.)) {RESERVED}~~

F. Applicants whose applications vest after the effective date of the ordinance introduced as Council Bill \_\_\_\_\_, but prior to the expiration of 180 days after the effective date of that ordinance, may elect to have Section 23.86.006, Structure height, as it existed prior to the effective date of that ordinance applied to their application. The applicant shall make the election in writing and file it with the Director prior to the expiration of the 180 day period.

Section 79. Subsection B of Section 23.76.040 of the Seattle Municipal Code, which section was last amended by Ordinance 122497, is amended as follows:

**23.76.040 Applications for Council land use decisions((:))**

\* \* \*

B. All applications for Council land use decisions shall be made to the Director on a form provided by the Department. ~~((The Director shall:))~~

1. ~~((for))~~ For Council land use decisions that do not include a design review component and are not applications for Major Institution Master Plans, the Director shall transmit notice of the application to the City Clerk for filing with the City Council promptly after the application is first submitted.

2. ~~((for))~~ For Council land use decisions that include a design review component  
the Director shall:

a. For applications subject to design review by the Design Review Board,  
transmit notice of the early design guidance public meeting to the City Clerk for filing with the  
City Council promptly at the same time public notice is provided.

b. For applications subject to ~~((administrative))~~ design review pursuant to  
Sections 23.41.016 or 23.41.018, transmit notice of the application to the City Clerk for filing  
with the City Council promptly after the applicant applies to begin the early design guidance or  
SDR design guidance process.

3. ~~((for))~~ For applications for Major Institution Master Plans, the Director shall  
transmit the notice of intent to prepare a master plan to the City Clerk for filing with the City  
Council promptly after the notice of intent is received.

\* \* \*

Section 80. Section 23.84A.002 of the Seattle Municipal Code, which section was last  
amended by Ordinance 123378, is amended to add definitions, to be inserted in alphabetical  
order, and to amend a definition, as follows:

**23.84A.002 “A”**

\* \* \*

"Amenity area" means space that provides opportunity for active or passive recreational  
activity for residents of a development or structure, including landscaped open spaces, decks and  
balconies, roof gardens, plazas, courtyards, play areas, and sport courts.

"Amenity area, common" means amenity area that is available for use by all occupants of a residential use.

"Amenity area, private " means amenity area that is intended to be used only by the occupants of one dwelling unit.

\* \* \*

"Apartment" ((~~means a multi-family structure in which one (1) or more of the dwelling units is not ground-related~~)) See "Residential use".

\* \* \*

"Assisted living unit" is a dwelling unit in an assisted living facility that meets the size and physical requirements required by WAC 388-110-140.

\* \* \*

Section 81. Section 23.84A.006 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended to add definitions, to be inserted in alphabetical order, to delete a definition, and to amend a definition, as follows:

**23.84A.006 "C"**

\* \* \*

"Carriage house" means a dwelling unit in a carriage house structure.

"Carriage house structure" means a structure within a cottage housing development, in which one or more dwelling units are located on the story above an enclosed parking garage at ground level that either abuts an alley and has vehicle access from that alley, or is located on a corner lot and has access to the parking in the structure from a driveway that abuts and runs parallel to the rear lot line of the lot. See also "Carriage house".

\* \* \*

~~((“Cluster development” means a development containing two (2) or more principal structures on one (1) lot, except that a cottage housing development is not considered a cluster development. In Highrise zones, two (2) or more towers on one (1) base structure will be considered a cluster development.))~~

\* \* \*

“Cottage” means a single-family dwelling unit located in a cottage housing development.

“Cottage housing development”. See “Residential use”. ~~((means a development consisting of at least four (4) cottages that are single family dwelling units arranged on at least two (2) sides of a common open space with a maximum of twelve (12) cottages per development.))~~

\* \* \*

Section 82. Section 23.84A.010 of the Seattle Municipal Code, which section was last amended by Ordinance 122411, is amended to delete a definition as follows:

**23.84A.010 “E”**

\* \* \*

~~((“Elevated walkway” means a pedestrian walkway connecting structures within a cluster development and located above existing grade.))~~

\* \* \*

Section 83. Section 23.84A.012 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended to add a definition, to be inserted in alphabetical order, to delete a definition, and to amend two definitions, as follows:



**23.84A.012 “F”**

\* \* \*

"Facade, interior" means any facade of a structure (~~((within a cluster development,))~~) that faces, or portions of which face, the facade(s) of another structure(s) (~~((within the same development))~~) located on the same lot.

~~((“Facade, perimeter” means any facade of a structure within a cluster development, that is either a front, rear or side facade.))~~

\* \* \*

"Facade, street-facing" means for any street lot line, all portions of the facade, measured from grade to the eaves of a sloping roof, or to the top of the parapet on a flat roof, ((including modulations,)) that are:

1. oriented at less than a ~~((ninety-))~~90(~~(+))~~ degree angle to the street lot line; and
2. not separated from the street lot line by another lot, or any structure except a fence, ramp, solar collector, or sign~~((or another lot))~~.

\* \* \*

“Frequent transit service.” See “Transit service, frequent.”

\* \* \*

Section 84. Section 23.84A.014 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended to delete two definitions as follows:

**23.84A.014 “G”**

\* \* \*



Section 87. Section 23.84A.032 of the Seattle Municipal Code, which section was last amended by Ordinance 122935, is amended to delete definitions, amend definitions, and add new definitions, to be inserted in alphabetical order, as follows:

**23.84A.032 “R.”**

\* \* \*

~~((“Residential amenity” means an area that provides opportunity for recreational activity for residents of a development or structure.))~~

\* \* \*

“Residential district identification sign” means an off-premises sign that gives the name of the group of residential structures, such as a subdivision ~~((or cluster development)).~~

\* \* \*

“Residential use” means any one or more of the following:

1. “Accessory dwelling unit” means ~~((a residential use in an additional room or set of))~~ one or more rooms that (a) are located within an owner-occupied ((single family residence)) dwelling unit, or within an accessory structure on the same lot as an owner-occupied ~~((single family residence)) dwelling unit;~~~~((;))~~ (b) ((meeting)) meet the standards of Section 23.44.041 or 23.45.545; ((and)) (c) are designed, arranged, and ((occupied or)) intended to be occupied by not more than one household as living accommodations independent from any other household; and (d) are so occupied or vacant.

2. “Adult family home” means ~~((a residential use as))~~ an adult family home defined and licensed as such by The State of Washington in a dwelling unit.

3. “Apartment” means a multifamily residential use that is not a cottage housing development, rowhouse development, or townhouse development.

~~((3))~~4. “Artist’s studio/dwelling” means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one household.

~~((4))~~5. “Assisted living facility” means a use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, that contains at least two assisted living units for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. ~~((An “assisted living facility” contains multiple assisted living units. An assisted living unit is a dwelling unit permitted only in an assisted living facility.))~~ See “Assisted living unit.”

~~((5))~~6. “Caretaker’s quarters” means a use accessory to a nonresidential use consisting of a dwelling unit not exceeding 800 square feet of living area and occupied by a caretaker or watchperson.

~~((6. “Carriage House” means a residential use in a carriage house structure.))~~

~~((7))~~7. “Congregate residence” means a use in which rooms or lodging, with or without meals, are provided for nine or more non-transient persons not constituting a single household, excluding single-family ~~((residences))~~ dwelling units for which special or reasonable accommodation has been granted.

1                   8. “Cottage housing development” means a use consisting of cottages arranged on  
2 at least two sides of a common open space or a common amenity area. A cottage housing  
3 development may include a carriage house structure. See “Cottage,” “Carriage house,” and  
4 “Carriage house structure.”

5                   ~~((8))~~9. “Detached accessory dwelling unit” means ~~((a residential use in an~~  
6 ~~additional room or set of rooms located within an accessory structure on the same lot as an~~  
7 ~~owner-occupied single-family residence meeting the standards of Section 23.44.041 and~~  
8 ~~designed, arranged, occupied or intended to be occupied by not more than one household as~~  
9 ~~living accommodations independent from any other household))~~ an accessory dwelling unit in an  
10 accessory structure.

11  
12                   ~~((9))~~10. “Domestic violence shelter” means a dwelling unit managed by a  
13 nonprofit organization, which unit provides housing at a confidential location and support  
14 services for victims of ~~((family))~~ domestic violence.

15  
16                   ~~((40))~~11. “Floating home” means a dwelling unit constructed on a float that is  
17 moored, anchored or otherwise secured in the water.

18                   ~~((44))~~12. “Mobile home park” means ~~((a use in which))~~ a tract of land that is  
19 rented for the use of more than one mobile home occupied as a dwelling unit.

20  
21                   ~~((42))~~13. “Multifamily residential use” means a use consisting of two or more  
22 dwelling units in a structure or ((that)) portion of a structure ~~((containing two or more dwelling~~  
23 ~~units))~~, excluding ~~((single family residences and))~~ accessory dwelling units.

24                   ~~((43))~~14. “Multifamily residential use, low-income disabled” means a  
25 multifamily residential use in which at least 90 percent of the dwelling units are occupied by one  
26

or more persons who have a handicap as defined in the Federal Fair Housing Amendments Act and who constitute a low-income household.

~~((14))~~15. "Multifamily residential use, low-income elderly" means a residential use in which at least 90 percent of the dwelling units are occupied by one or more persons ~~((sixty-two))~~ 62 or more years of age who constitute a low-income household.

~~((15))~~16. "Multifamily residential use, low-income elderly/low-income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units (not including vacant units) are occupied by a low-income household that includes a person who has a handicap as defined in the Federal Fair Housing Amendment Act or a person ~~((sixty-two))~~ 62 years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.

~~((16. "Multifamily residential use, very low income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units are occupied by one or more persons who have a handicap as defined in the Federal Fair Housing Amendment Act and who constitute a very low income household."~~

~~17. "Multifamily residential use, very low income elderly" means a residential use in which at least 90 percent of the dwelling units are occupied by one or more persons sixty-two or more years of age who constitute a very low income household.~~

~~18. "Multifamily residential use, very low income elderly/very low income disabled" means a multifamily residential use in which at least 90 percent of the dwelling units (not including vacant units) are occupied by a very low income household that includes a person~~

~~who has a handicap as defined in the Federal Fair Housing Amendments Act or a person sixty-two years of age or older, as long as the housing qualifies for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.))~~

((19))17. “Nursing home” means a ((residence, licensed by the state,)) use licensed by The State of Washington as a nursing home, which provides full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does not provide care for the acutely ill or surgical or obstetrical services. This definition excludes hospitals or sanitariums.

19. “Rowhouse Development” means a multifamily residential use in which: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit occupies space above or below another dwelling unit, except for dwelling units constructed over a shared parking garage; (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line; (d) the front of each dwelling unit faces a street; (e) each dwelling unit provides pedestrian access directly to the street that it faces; and (f) there is no intervening principal structure between any dwelling unit and the street, or between any dwelling unit and a lot line.

((20))20. “Single-family ((residence))dwelling unit” means ((a residential use in))a detached structure having a permanent foundation, containing one dwelling unit, except that the ((The))structure may also contain an accessory dwelling unit where expressly authorized

pursuant to this ~~((title))~~ Title 23. A detached accessory dwelling unit is not considered a single-family ~~((residence))~~ dwelling unit for purposes of this ~~((chapter))~~ Chapter 23.84A.

21. "Townhouse Development" means a multifamily residential use that is not a rowhouse development, and in which: (a) each dwelling unit occupies the space from the ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit occupies space above or below another dwelling unit, except for dwelling units constructed over a shared parking garage; and (c) each dwelling unit is attached along at least one common wall to at least one other dwelling unit, or abuts another dwelling unit on a common lot line.

\* \* \*

"Rowhouse development." See "Residential use."

"Rowhouse unit" means a dwelling unit in a rowhouse development.

\* \* \*

Section 88. Section 23.84A.036 of the Seattle Municipal Code, which section was last amended by Ordinance 123046, is amended to add a definition, to be inserted in alphabetical order, as follows:

**Section 23.84A.036 "S"**

\* \* \*

"Structure, multifamily residential." See "Multifamily residential structure."

\* \* \*

Section 89. Section 23.84A.038 of the Seattle Municipal Code, which section was last amended by Ordinance 123378, is amended to add definitions, to be inserted in alphabetical order, delete definitions, and amend definitions, as follows:



**23.84A.038 "T"**

"Tandem houses" means two ~~((2))~~ unattached ~~((ground-related))~~ single-family dwelling units occupying the same lot.

\* \* \*

~~(("Terraced housing" means a multi-family structure located on a sloping site in which a series of flat rooftops at different heights function as open space for abutting units.))~~

\* \* \*

"Townhouse" ~~((means a form of ground-related housing in which individual dwelling units are attached along at least one (1) common wall to at least one (1) other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.))~~ See "Residential use."

"Townhouse unit" means a dwelling unit in a townhouse development.

\* \* \*

"Transit service, frequent" means transit service headways of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours every day.

\* \* \*

Section 90. Section 23.84A.040 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.84A.040 "U."**

"Underground" means entirely below the surface of the earth, measured from existing or finished grade, whichever is lower, excluding access.

\* \* \*

Section 91. Section 23.84A.044 of the Seattle Municipal Code, which section was last amended by Ordinance 123021, is amended to add a new definition to be inserted in alphabetical order, as follows:

**23.84A.044 "W"**

\* \* \*

"Woonerf" means a common space shared by pedestrians, bicyclists and vehicles, used for vehicular access, in which amenities such as trees, planters, and seating serve to impede vehicular movement and provide opportunities for outdoor use by occupants of abutting structures. A woonerf is intended and designed to prioritize pedestrian movement and safety, through features such as pavers and pervious ground surfaces that slow vehicular movement.

\* \* \*

Section 92. Section 23.84A.048 of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

**23.84A.048 "Z"**

\* \* \*

"Zone, lowrise" means a zone with a classification that includes any of the following: ((Lowrise Duplex/Triplex,)) Lowrise 1, Lowrise 2, or Lowrise 3 ((and Lowrise 4 multifamily residential zones)), which classification also may include one or more suffixes.

"Zone, multifamily" means a zone with a classification that includes any of the following:  
((Lowrise Duplex/Triplex (LDT),)) Lowrise 1 (LR1), Lowrise 2 (LR2), Lowrise 3 (LR3),  
((Lowrise 4 (L4),)) Midrise (MR), Midrise/85 (MR/85), or Highrise (HR), which classification  
also may include one or more suffixes.

\* \* \*

Section 93. Subsections A and D of Section 23.86.006 of the Seattle Municipal Code,  
which section was last amended by Ordinance 123206, are amended as follows:

### **23.86.006 Structure height**

A. ((Height measurement technique in))In all zones except downtown zones and zones  
within the South Lake Union ((Hub Urban Village)) Urban Center, and except for the Living  
Building Pilot Program authorized by Section 23.40.060(-), unless otherwise specified, the  
height of structures shall be measured according to this subsection 23.86.006.A.

1. General rule. Except as otherwise specified, the height of a structure is the  
difference between the elevation of the highest point of the structure not excepted from  
applicable height limits and the average grade level. In this subsection 23.86.006.A, “average  
grade level” means the average of the elevation of existing lot grades at the midpoints, measured  
horizontally, of each exterior walls of the structure, except as provided in subsection  
23.86.006.A.2.

#### 2. Height measurement on sloping lots.

a. The calculation of structure height in subsection 23.86.006.A.1 may be  
modified, at the discretion of the applicant, on sloping lots for which the elevation at the higher

corner of at least one exterior wall is at least 20 feet higher than the elevation at the lower corner of that wall.

b. If the condition of subsection 23.86.006.A.2.a is satisfied, then the height measurement method may be modified as follows:

1) Draw the smallest rectangle that encloses the principal structure.  
2) Divide one side of the rectangle into equal segments at least 15 feet in length.

3) The lines used to divide the length of the structure into individual segments shall be perpendicular to the side of the rectangle used to determine the difference in elevation in subsection 23.86.006.A.2.a and extend as a vertical plane from the ground to the sky.

4) The maximum height for each segmented portion of the structure shall be measured from the average grade level for each segmented portion of the structure, which shall be calculated as the average elevation of existing lot grades at the midpoints of the two opposing exterior walls of each segmented portion of the structure.

~~((1. The height shall be measured at the exterior walls of the structure. Measurement shall be taken at each exterior wall from the existing or finished grade, whichever is lower, up to a plane essentially parallel to the existing or finished grade. For determining structure height, the exterior wall shall include a plane between supporting members and between the roof and the ground. The vertical distance between the existing grade, or finished grade, if lower, and the parallel plane above it shall not exceed the maximum height of the zone.~~

2. ~~When finished grade is lower than existing grade, in order for an upper portion of an exterior wall to avoid being considered on the same vertical plane as a lower portion, it must be set back from the lower portion a distance equal to two (2) times the difference between existing and finished grade on the lower portion of the wall (Exhibit 23.86.006 A1).~~

3. ~~Depressions such as window wells, stairwells for exits required by other codes, "barrier free" ramps on grade, and vehicle access driveways into garages shall be disregarded in determining structure height when in combination they comprise less than fifty percent (50%) of the facade on which they are located. In such cases, the grade for height measurement purposes shall be a line between the grade on either side of the depression.~~

4. ~~No part of the structure, other than those specifically exempted or excepted under the provisions of the zone, shall extend beyond the plane of the maximum height limit.~~

5. ~~Underground portions of structures are not included in height calculations. The height of structures shall be calculated from the point at which the sides meet the surface of the ground.))~~

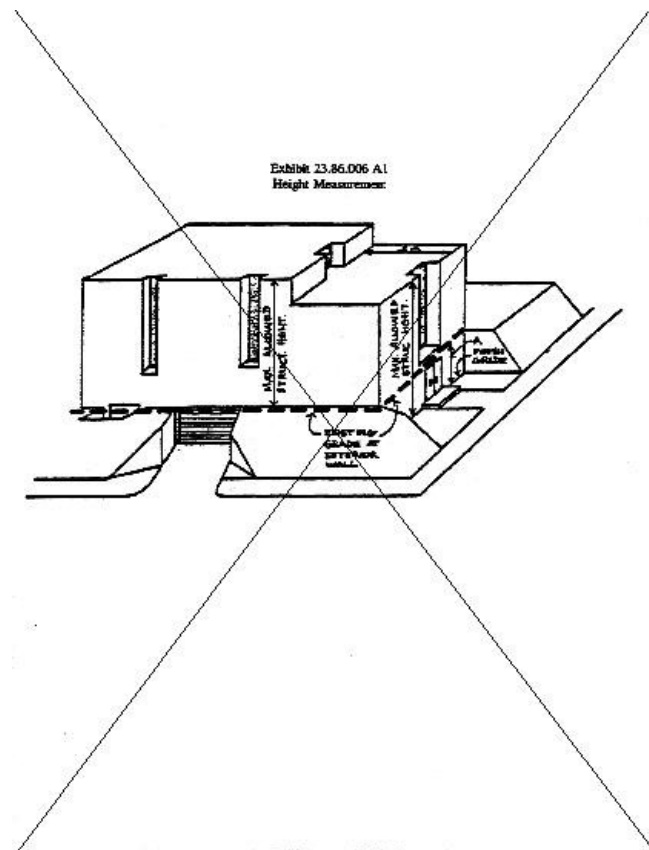
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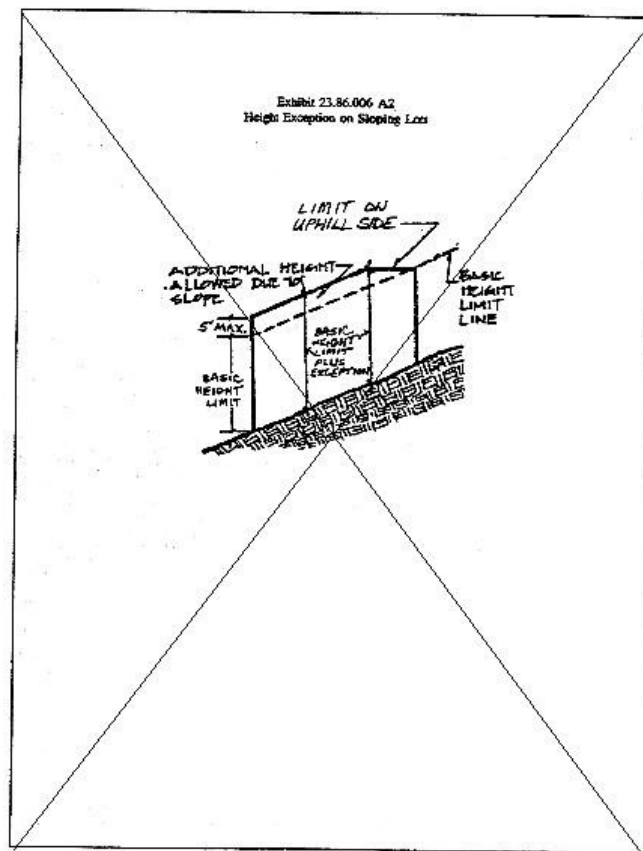
~~((D. Additional Height on Sloped Lots:~~

1. ~~In certain zones, additional height shall be permitted on sloped lots at the rate of one foot (1') for each six percent (6%) of slope. For the purpose of this provision, the slope shall be measured from the exterior wall with the greatest average elevation at existing grade, to the exterior wall with the lowest average elevation at existing grade. The slope shall be the difference between the existing grade average elevations of the two (2) walls, expressed as a percentage of the horizontal distance between the two (2) walls.~~

1                   2. This additional height shall be permitted on any wall of the structure, provided  
2                   that on the uphill side(s) of the structure, the height of the wall(s) shall be no greater than the  
3                   height limit of the zone (Exhibit 23.86.006 A2).

4                   3. Structures on sloped lots shall also be eligible for the pitched roof provisions  
5                   applicable in the zone.))





\* \* \*

Section 94. Section 23.86.007 of the Seattle Municipal Code, which section was last amended by Ordinance 115326, is amended as follows:

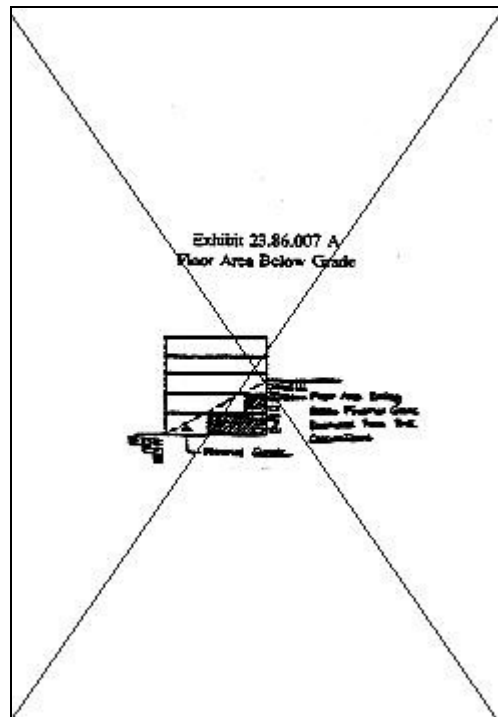
**23.86.007 Gross floor area and floor area ratio((=))**

A. Certain items may be exempted from calculation of gross floor area of a structure.  
((When)) Except as otherwise expressly provided in this Title 23, if gross floor area below grade is exempted, the amount of below-grade floor area ((shall be)) is measured as follows:

1. The existing grade of the lot shall be established by the elevations of the perimeter lot lines of the lot.

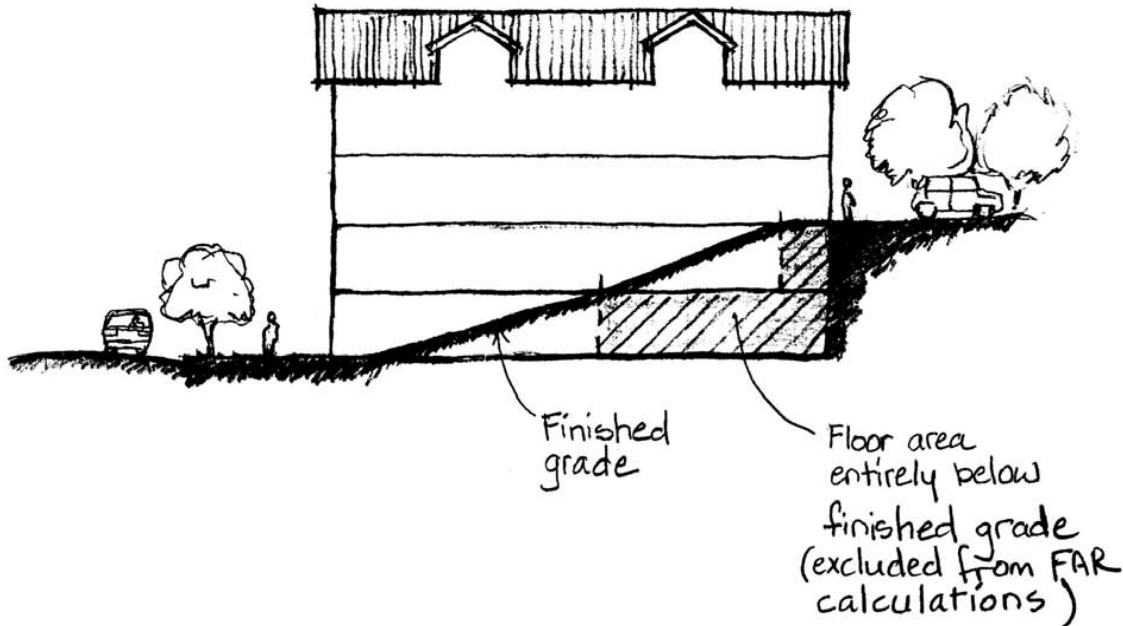
2. To determine the amount of gross floor area (~~which~~) that is below grade, find the point where the ceiling of each floor intersects the existing grade elevation. Draw a line perpendicular to the point of intersection. All gross floor area behind this line (~~shall be~~) is considered below-grade (see Exhibit A for 23.86.007(~~(A)~~)).

**Exhibit A for 23.86.007: Floor Area Below Grade**





## Exhibit A for 23.86.007: Floor Area Below Grade



B. Public rights-of-way (~~((shall not be))~~) are not considered part of a lot when calculating floor area ratio; (~~((provided))~~) except that ((when)) if dedication of right-of-way is required as a condition of a proposed development, the area of dedicated right-of-way is included ((permitted floor area ratio shall be calculated before the dedication is made)).

C. If a lot is in more than one zone, the FAR limit for each zone applies to the portion of the lot located in that zone.

D. In LR zones, if more than one category of residential use is located on a lot, the FAR limit for each category of residential use is based on each category's percentage of total structure footprint area, as follows:

1                   1. Calculate the footprint, in square feet, for each category of residential use. For  
2 purposes of this subsection 2345.510A.4, “footprint” is defined as the horizontal area enclosed  
3 by the exterior walls of the structure.

4                   2. Calculate the total square feet of footprint of all categories of residential uses  
5 on the lot.

6                   3. Divide the square footage of the footprint for each category of residential  
7 structure (subsection 23.45.510.4.a above) by the total square feet of footprints of all residential  
8 uses (subsection 23.45.510.4.b above).

9                   4. Multiply the percentage calculated in subsection 23.45.510.4.c for each housing  
10 category by the area of the lot. The result is the area of the lot devoted to each housing category.

11                   5. The FAR limit for each category of residential use is the applicable one for that  
12 use multiplied by the percentage calculated in subsection 23.45.510.4.d.

13                   Section 95. Section 23.86.012 of the Seattle Municipal Code, which section was last  
14 amended by Ordinance 115326, is amended as follows:

15 **23.86.012 Setbacks in multifamily zones((:))**

16                   A. Setback Averaging. In multifamily zones, certain required setbacks may be averaged.

17 In such cases the following provisions apply:

18                   a. The average front and rear setbacks are calculated based on the entire  
19 width of the structure;

20                   b. The average side setbacks are calculated based on the entire depth of the  
21 structure;

c. Setbacks are measured horizontally from the lot line to the facade of the structure, at the point that the structure meets the ground.

~~((A))~~B. Determining ~~((F))~~front ~~((S))~~setbacks for institutions.

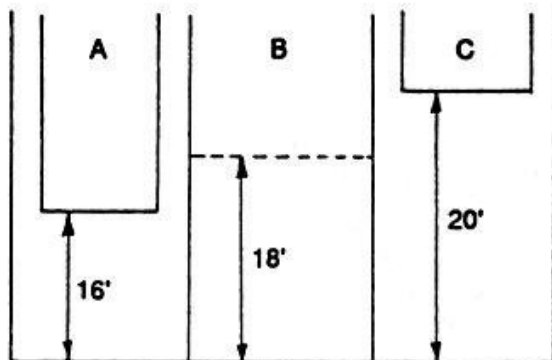
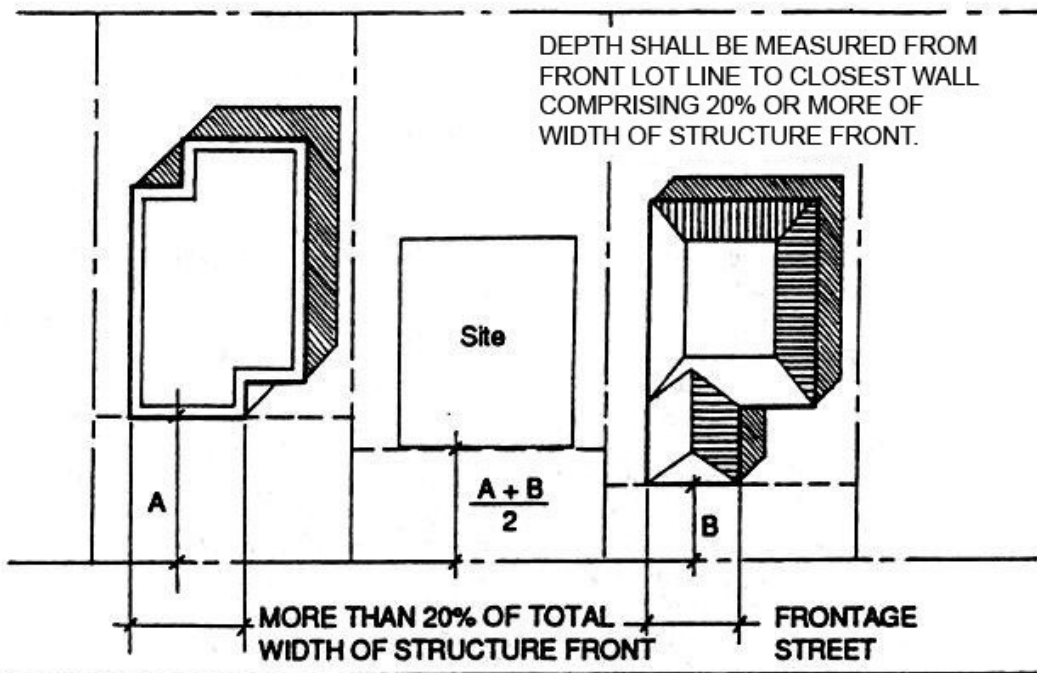
~~((1. Determining Front Setback Requirements. Front setback requirements are presented in the development standards for each zone. Where))~~ In LR zones, the minimum required front setback for institutions is ~~((to be))~~ determined by averaging the setbacks of structures on either side of the subject lot, as follows ~~((the following provisions shall apply))~~:

~~((a))~~1. The required ~~((depth of the))~~ front setback ~~((shall be))~~ is the average of the distances between principal structures and front lot lines of the nearest principal structures on each side of the subject lot if each of those structures is on the same block front as the subject lot and is within 100 feet of the side lot lines of the subject lot (Exhibit A for 23.86.012~~((A))~~).

# Exhibit A for 23.86.012: Front Setback Averaging for Institutions

## (( ~~Exhibit 23.86.012 A~~ ~~Determination of Front Yard Setback~~ ))

### EXHIBIT A FOR 23.86.012: FRONT SETBACK AVERAGING FOR INSTITUTIONS



- REQUIRED MINIMUM FRONT SETBACK FOR LOT B DETERMINED AS FOLLOWS:**
1. FRONT SETBACK, LOT A = 16'
  2. FRONT SETBACK, LOT C = 20'
  3. AVERAGE FRONT SETBACK = 18'
  4. REQUIRED MINIMUM FRONT SETBACK FOR LOT B = 18'.

~~((b. The setbacks used for front setback averaging shall be on the same block front as the subject lot, and shall be the front setbacks of the nearest principal structures within one hundred (100) feet of the side lot lines of the subject lot.))~~

2. If the first principal structure within 100 feet of a side lot line of the subject lot is not on the same block front or there is no principal structure within 100 feet of the side lot line, the setback depth used for averaging purposes on that side is 7 feet.

~~((e))~~3. For averaging purposes, the front setback ((depth shall be)) is ((measured)) the shortest distance from the front lot line to the nearest wall or, where there is no wall, the plane between supports ~~((which))~~ that span ((comprises twenty (20))) 20 percent or more of the width of the front facade of the principal structure ~~((on either side))~~. Attached garages and enclosed porches ~~((shall be))~~ are considered part of the principal structure for measurement purposes. Decks less than ~~((eighteen (18)))~~ 18 inches above existing grade, uncovered porches, eaves, attached solar collectors and other similar parts of the structure ~~((shall not be))~~ are not considered part of the principal structure. ~~((When the front facade of the principal structure is not parallel to the front lot line, the shortest distance from the front lot line to the structure shall be used for averaging purposes.))~~

~~((d))~~4. ((When)) If there is a dedication of street right-of-way to bring the street abutting the lot closer to the minimum widths established in Section 23.53.015, for averaging purposes the amount of dedication ~~((shall be))~~ is subtracted from the front setbacks of the structures on either side.

~~((e. When the first principal structure within one hundred feet (100') of a side lot line of the subject lot is not on the same block front or when there is no principal structure within~~

one hundred feet (100') of the side lot line, the setback depth used for averaging purposes on that side shall be ten feet (10').))

((f.)) 5. ((When)) If the front setback of the first principal structure within ((one hundred feet (100')))) 100 feet of the side lot line of the subject lot exceeds ((twenty feet (20')))) 20 feet, the setback depth used for averaging purposes on that side ((shall be)) is ((twenty feet (20')))) 20 feet.

((g.)) 6. In cases where the street is very steep or winding, the Director ((shall)) will determine which adjacent structures should be used for averaging purposes.

((h.)) 7. In the case of a through lot, the ((requirement for)) front setback ((shall be)) is determined independently for each street frontage. The measurement techniques of this section 23.86.012 ((shall be applied for)) apply to each street frontage separately.

((i.)) 8. For ((cluster development)) multiple structures on the same lot, the front setback of a principal structure on the same lot may be used for averaging purposes.

~~((2. Front Setback Averaging. In certain zones the required front setback may be averaged. In such cases the following provisions shall apply:~~

~~a. The average distance from the front lot line to the facade shall satisfy the minimum front setback requirement. The front setback shall be is averaged for the entire width of the structure, except that areas which are farther than three (3) times the required front setback from the front lot line shall not be calculated in the front setback.~~

~~b. Portions of the facade at existing grade shall be used in determining the average setback.~~

1 ~~e. Projections of the front façade which begin at least eight feet (8') above~~  
2 ~~finished grade and project four feet (4') or less from the lower portion of the facade shall not be~~  
3 ~~included in the setback averaging. For such projections which project more than four feet (4')~~  
4 ~~from the lower portion of the facade, only the first four feet (4') shall be exempt from the~~  
5 ~~averaging calculation. This provision applies to such features as cantilevered floor area, decks~~  
6 ~~and bay windows. Eaves, gutters and cornices are permitted to project eighteen inches (18")~~  
7 ~~beyond any front facade without being counted in averaging.))~~

9 ~~((3. Measuring Street-facing Setbacks for Institutions and Public Facilities in Multifamily~~  
10 ~~Zones.~~

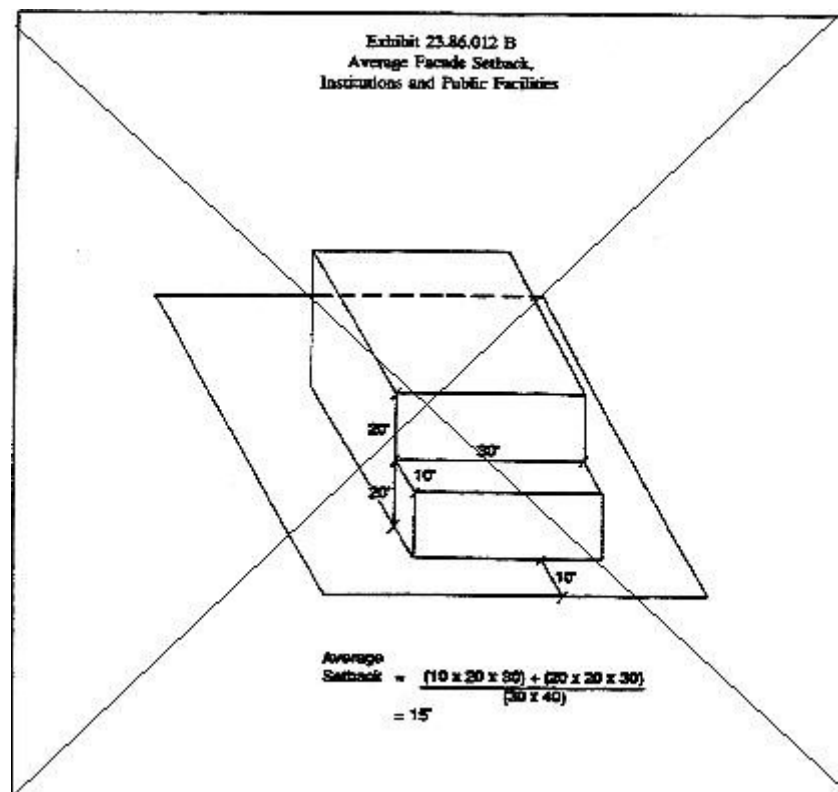
11 ~~a. In multifamily zones, the depth of setback from a street lot line may be~~  
12 ~~averaged along the width and height of the façade for institutions and public facilities, as an~~  
13 ~~alternative providing greater design flexibility than standard modulation requirements.~~

14 ~~b. This average setback shall be calculated by dividing the three (3) dimensional~~  
15 ~~volume of setback by the area of the structure facade.~~

16 ~~(1) Find the sum of volumes within the space defined by extension of the~~  
17 ~~roof line, the planes of the side walls, and the vertical extension of the front lot line; and~~

18 ~~(2) Divide this sum by the area of the street-facing facade, calculated as~~  
19 ~~the product of facade height and facade width (Exhibit 23.86.012 B))).~~

**((Exhibit B for 23.86.012: Average Façade Setback, Institutions and Public Facilities))**



~~((B. Rear Setbacks. In Midrise zones applicants are given an option in multifamily zones to provide a minimum rear setback of ten feet (10') which must be modulated, or an averaged rear setback of at least fifteen feet (15'). The following provisions shall apply when the applicant has chosen to provide an averaged rear setback of at least fifteen feet (15'):~~

- ~~1. All projections of the facade shall be included in averaging the rear setback, with the exception of eaves, gutters and cornices which project eighteen inches (18") or less from the facades.~~
- ~~2. The rear setback shall be averaged for the entire width of the structure.~~

**C. Side Setbacks.**



~~((1. Side setbacks requirements are presented in the standard development requirements for each zone. Side setback requirements are based on the height and the depth of a structure. Where two (2) or more structures are connected by elevated walkways, structure depth shall be determined by the combined depth of the structures connected by the elevated walkway, not including the walkway itself.~~

~~2. Side Setback Averaging. In certain cases where specifically permitted, the side setback requirement may be satisfied by averaging the distance from side lot line to structure facade for the depth of the structure. In those cases the following provisions shall apply:~~

~~a. The side setback shall be measured horizontally from side lot line to the side facade of the structure.~~

~~b. The side setback shall be averaged for the entire depth of the structure, except that areas which are farther than two (2) times the required average side setback from the side lot line shall not be counted as part of the side setback (Exhibit 23.86.012 C.)~~

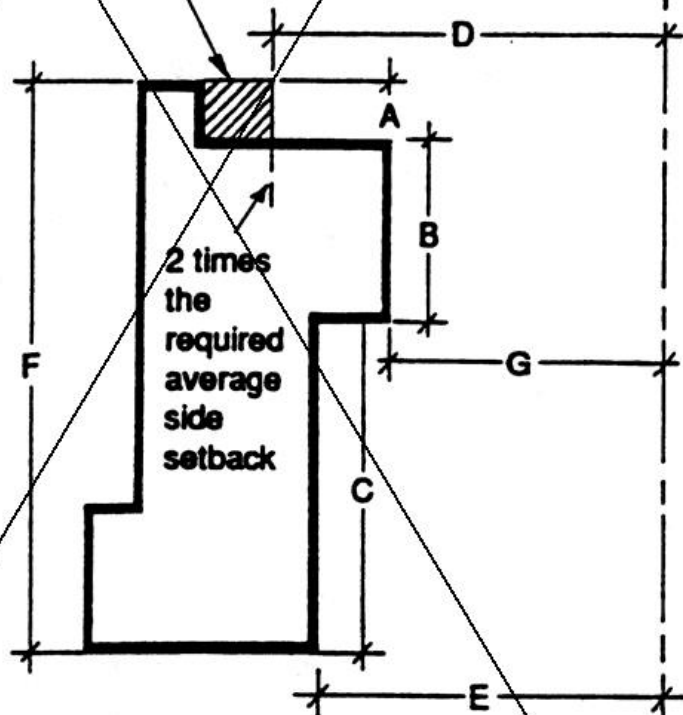
~~C. Setbacks Between Structures in Cluster Developments. Required setbacks in cluster developments are specified in each multifamily zone. In certain cases, the setback requirement may be satisfied by averaging the distance between the portions of the facades which face each other. In those cases the following provisions apply:~~

~~1. The setback shall be measured horizontally from one (1) facade to the other.~~

~~2. The setback shall be averaged across the width of those portions of the facades which face each other.))~~

**Exhibit 23.86.012 C**  
**Side Setback Averaging**

**THIS AREA DOES NOT  
COUNT WHEN AVERAGING  
THE RIGHT SIDE SETBACK.**



**Average  
Side Yard=** 
$$\frac{(A \times D) + (B \times G) + (C \times E)}{F}$$

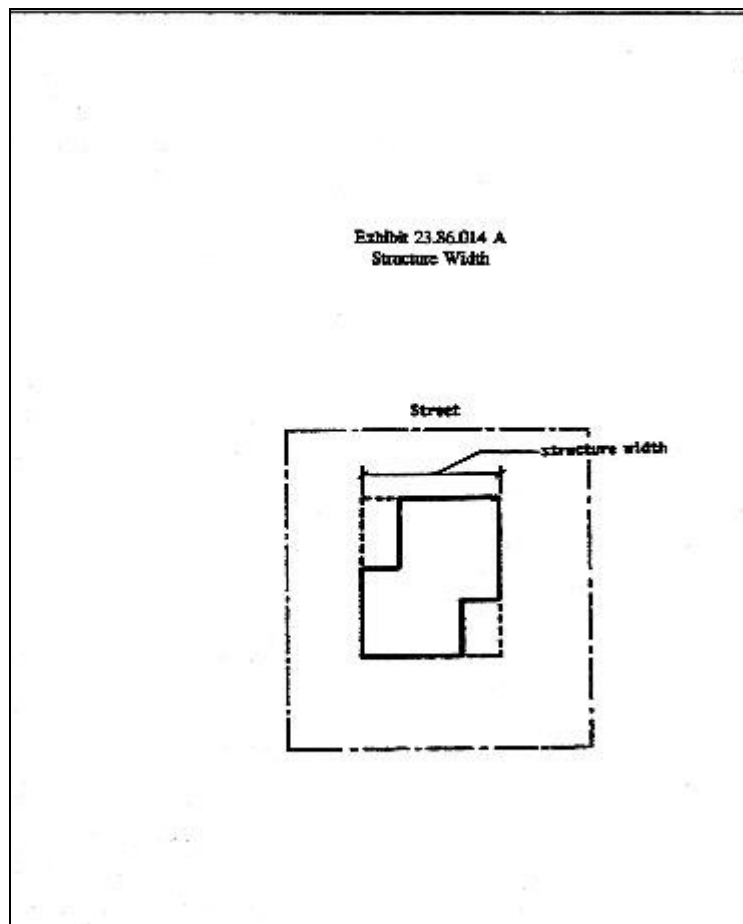
Section 96. Section 23.86.014 of the Seattle Municipal Code, which section was last amended by Ordinance 118414, is amended as follows:

**23.86.014 Structure ~~((W))~~width~~((:))~~**

A. Structure width is measured as follows: ~~((shall be measured by the following method:))~~

1. Draw ~~((a))~~ the smallest rectangle that encloses the principal structure.
2. Structure width ~~((shall be))~~ is the length of the side of that rectangle most closely parallel to the front lot line (Exhibit A for 23.86.014~~((A))~~).

**Exhibit A for 23.86.014: Structure Width**



1 B. Portions of a structure (~~((which shall be))~~) considered part of the principal structure for  
2 the purpose of measuring structure width are as follows:

3 1. Carports and garages attached to the principal structure unless attached by a structural  
4 feature not counted in structure width under subsection 23.86.014.C;

5 2. Exterior corridors, hallways, and (~~((or))~~) open, above-grade walkways(~~((, except portions~~  
6 ~~which are elevated walkways connecting structures in a cluster development))~~);

7 3. Enclosed porches, decks, balconies and other enclosed projections; and

8 (~~((4. Chimneys used to meet modulation requirements;))~~)

9 (~~((5))~~)4. Modulated and projecting segments of a facade unless excluded in subsection  
10 23.86.014.C.

11 C. Portions of a structure (~~((which shall not be))~~) that are not considered part of the  
12 principal structure for the purpose of measuring structure width are as follows:

13 1. Eaves, cornices, chimneys, and gutters (~~((provided that when))~~) except to the  
14 extent that they(~~((such features--))~~) project more than (~~((eighteen--))~~)18(~~(("))~~) inches from an exterior  
15 wall (~~((only eighteen ((18) inches shall be excluded in the measurement of structure width))~~);

16 (~~((2. The portion of elevated walkways connecting buildings in cluster~~  
17 ~~developments;))~~)

18 (~~((3. Chimneys not used to meet modulation requirements provided that only~~  
19 ~~eighteen (18) inches shall be excluded in the measurement of structure width;))~~)

20 (~~((4))~~)4. Attached solar greenhouses meeting minimum energy standards  
21 administered by the Director;

1 ((5))5. Unenclosed decks, balconies and porches, ~~((ten-))10((+))~~ feet or less above  
2 existing grade, unless located on the roof of an attached garage or carport included in structure  
3 width in subsection 23.86.014.B.1 of this section;

4 ((6))6. Unenclosed decks, balconies and porches, more than ~~((ten-))10((+))~~ feet  
5 above existing grade, provided that ~~((when))~~ if such features project more than ~~((four-))4((+))~~  
6 feet from an exterior wall, only ~~((four-))4((+))~~ feet shall be excluded in the measurement of  
7 structure width~~((Such features shall be excluded whether or not used to meet modulation~~  
8 ~~requirements))~~; ~~((and))~~

10 ((7))7. Arbors, trellises and similar features~~((+))~~; and

11 8. In Lowrise zones, portions of a structure that are no more than 4 feet above  
12 existing or finished grade, whichever is lower, that are covered in order to provide landscaped  
13 area or amenity area for common or private use, are excluded in the measurement of structure  
14 width.

16 Section 97. Section 23.86.016 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 118414, is amended as follows:

18 **23.86.016 Structure Depth**

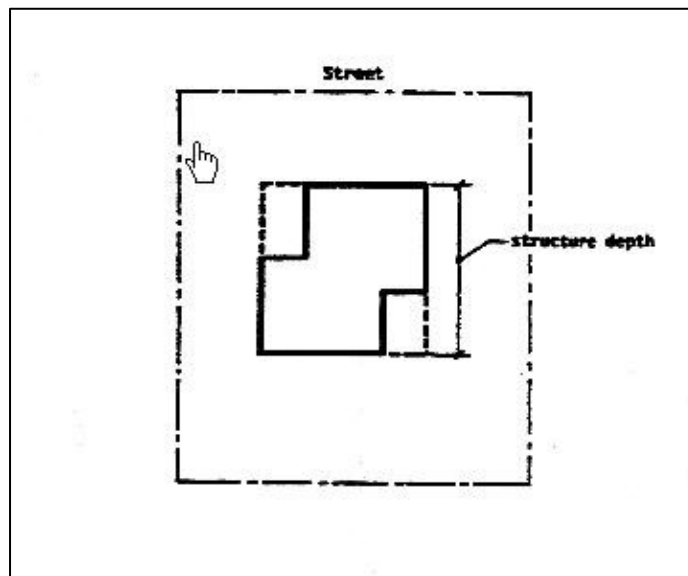
19 A. Measuring ~~((S))~~structure ~~((D))~~depth. In certain zones structure depth is limited by  
20 development standards. The following provisions ~~((shall))~~ apply for determining structure depth:

21 1. Structure depth ~~((shall be))~~ is measured ~~((by the following method))~~ as follows:

22 a. Draw ~~((a))~~ the smallest rectangle that encloses the principal structure.

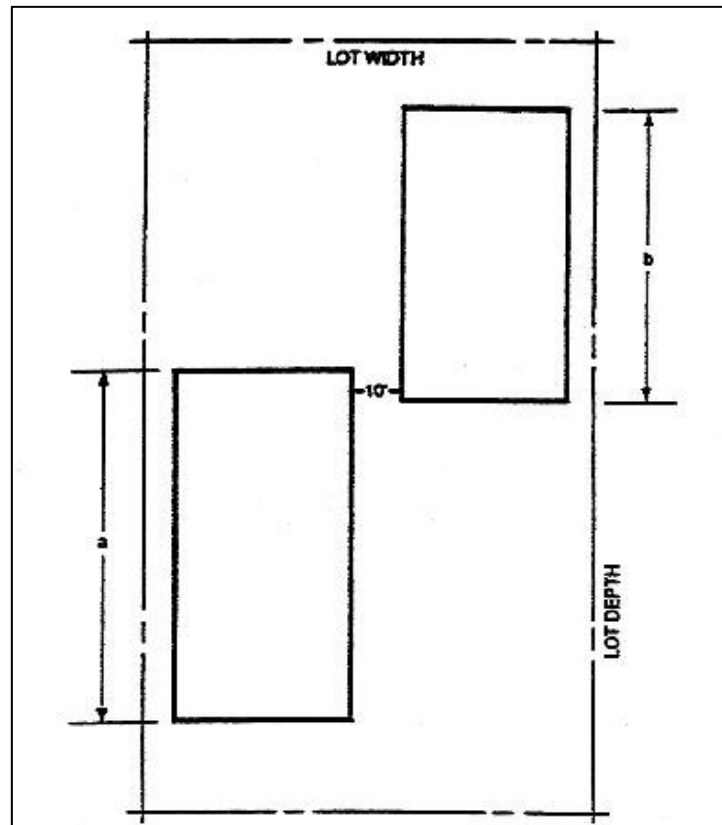
23 b. Structure depth ~~((shall be))~~ is the length of the sides of that rectangle  
24 most closely parallel to the side lot lines (Exhibit A for 23.86.016 ~~((A))~~).

**Exhibit A for 23.86.016: ((A)) Structure Depth**



c. In Lowrise zones, ~~((when))~~ if more than one ~~((+))~~ structure is located on a lot, ~~((and))~~ no portion of a structure is behind any portion of another structure, and the structures are separated by a minimum of ~~((ten-))~~ 10 ~~((+))~~ feet, the ~~((maximum))~~ depth of each structure ~~((shall be))~~ is measured individually. (See Exhibit B for 23.86.016 ~~((B))~~.) ~~((When))~~ If any portion of a structure is behind any portion of another structure then ~~((maximum))~~ structure depth ~~((shall be))~~ is the combined depth of the structures on the lot.

**Exhibit B for 23.86.016 ((B)) Depth ((m)) Measurement ((when)) for offset ((s)) Structures  
((are offset))**



2. Portions of a structure ~~((which shall be))~~ considered part of the principal structure for the purpose of measuring structure depth ~~((are as follows))~~ include:
- a. Carports and garages attached to the principal structure unless attached by a structural feature not counted in structure depth under subsection 23.86.014.A.3;
  - b. Exterior corridors, hallways, and ~~((or))~~ open, above grade walkways ~~((except portions which are elevated walkways connecting structures in a cluster development))~~;
  - c. Enclosed porches, decks, balconies and other enclosed projections;
  - ~~((d. Chimneys used to meet modulation requirements))~~;

1 ((e))d. Modulated and projecting segments of a facade unless excluded in  
2 subsection 23.86.014.A.3;

3 ((f))e. Accessory structures (~~which~~) that are less than (~~three~~)3(~~+~~) feet  
4 from the principal structure at any point.

5 3. Portions of a structure (~~which shall not be~~) that are not considered part of the  
6 principal structure for the purpose of measuring structure depth (~~are as follows~~) include:

7 a. Eaves, cornices, chimneys, and gutters (~~provided that when~~) except to  
8 the extent that they (~~such features~~) project more than (~~eighteen~~)18(~~+~~) inches from an  
9 exterior wall (~~only eighteen (18) inches shall be excluded in the measurement of the structure~~  
10 ~~depth~~);

11 ((b. The portion of elevated walkways connecting buildings in a cluster  
12 development;))

13 ((c. Chimneys, not used to meet modulation requirements provided that  
14 only eighteen (18) inches shall be excluded in the measurement of structure depth; ))

15 ((d))b. Attached solar greenhouses meeting minimum energy standards  
16 administered by the Director;

17 ((e))c. Unenclosed decks, balconies and porches, (~~ten~~)10(~~+~~) feet or  
18 less in height, unless located on the roof of an attached garage or carport included in structure  
19 depth in subsection 23.86.014.A.2.a;

20 ((f))d. Unenclosed decks, balconies and porches, more than (~~ten~~)10(~~+~~)  
21 feet above existing grade, provided that (~~when~~) if such features project more than (~~four~~  
22 ~~)4(+) feet from an exterior wall only~~ (~~four~~)4(~~+~~) feet (~~shall be~~) are excluded in the



measurement of structure depth. ~~((Such features shall be excluded whether or not used to meet modulation requirements.))~~

e. In Lowrise zones, portions of a structure that are no more than 4 feet above existing or finished grade, whichever is lower, and that are covered in order to provide landscaped area or amenity area for common or private use, shall be excluded in the measurement of structure depth.

B. Determining ~~((M))~~maximum ~~((P))~~permitted ~~((S))~~structure ~~((D))~~depth. In certain zones, structure depth is limited to a percentage of lot depth. For those cases the following provisions ~~((shall))~~ apply:

1. ~~((When))~~ If the lot is essentially rectangular and has a rear lot line ~~((which is))~~ within ~~fifteen~~~~((15((+)))~~ degrees of parallel to the front lot line, the lot depth ~~((shall be))~~ is the horizontal distance between the midpoints of the front and rear lot lines (Exhibit C for 23.86.016~~((-C))~~).

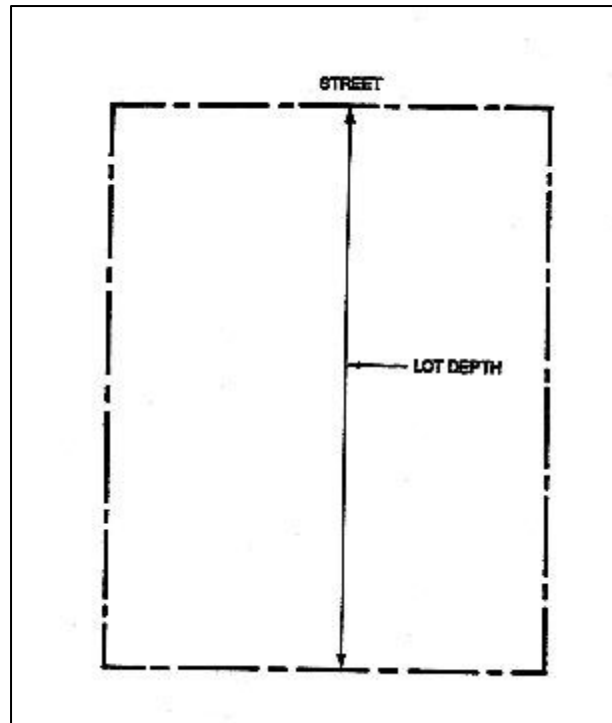
2. ~~((When))~~ If the lot is triangular or wedge-shaped, lot depth shall be the horizontal distance~~((s))~~ between the midpoint of the front lot line and the rear point of the lot. If ~~((such a))~~ the lot does not actually come to a point, lot depth ~~((shall be))~~ is measured from midpoint of the front lot line to the midpoint of the rear lot line (Exhibit C for 23.86.016~~((-C))~~).

3. In the case of a through lot, lot depth ~~((shall be))~~ is measured between the midpoint~~((s))~~ of each front lot line~~((s))~~.

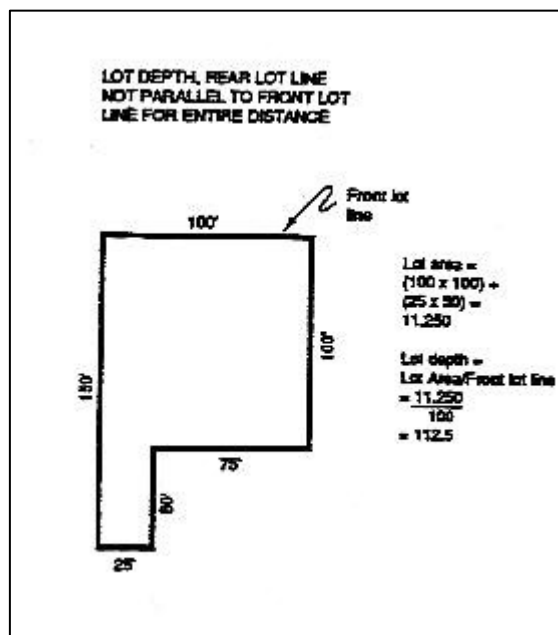
4. When lot shape is so irregular that ~~((provisions))~~ subsections 23.86.016.B 1, 2 or 3 cannot be used, lot depth ~~((shall be that))~~ is the distance equal to the result of lot area divided by length of front lot line, provided that in no case ~~((shall lot))~~ is the depth permitted to

be greater than the distance from front lot line to the furthest point on the perimeter of the lot  
 (Exhibit D for 23.86.016((D))).

**Exhibit C for 23.86.016: ((C)) Measuring Lot Depth**



**Exhibit D for 23.86.016 ((D)) Rear Lot Line Exception**



((C. Measuring

Structural Depth

~~Exceptions. In certain zones, exceptions permit increased structure depth. For those cases total permitted lot coverage shall equal maximum width times maximum depth less the area required for modulation, according to the following provisions:~~

~~1. Maximum width shall be considered to be the width of the lot less the total required side setbacks, but shall in no case exceed the maximum width permitted for the housing type and zone. In Lowrise 3 zones, apartments no more than thirty (30) feet in height may have a maximum depth of one hundred (100) feet.~~

~~2. Maximum depth shall be considered to be the percentage of lot depth permitted for the proposed housing type.~~

~~3. The area of minimum required modulation shall be subtracted from the calculation to determine maximum lot coverage permitted.~~

~~4. Eaves, and unenclosed decks, balconies and porches, shall not be calculated as part of lot coverage, provided that when such features project more than four (4) feet from an exterior wall only four (4) feet shall be excluded from the lot coverage calculation.))~~

Section 98. A new Section 23.86.017 of the Seattle Municipal Code is added to read as follows:

### **23.86.017 Amenity area**

Certain zones require a minimum amount of amenity area to be provided on the lot. If amenity area is required, the following provisions shall apply:

A. If the applicable development standards specify a minimum contiguous amenity area, areas smaller than the minimum contiguous area are not be counted toward fulfilling amenity area requirements.

1                   1. Driveways and vehicular access easements, whether paved or unpaved, shall be  
2 considered to separate the amenity areas they bisect, except for woonerfs permitted to qualify as  
3 required amenity area.

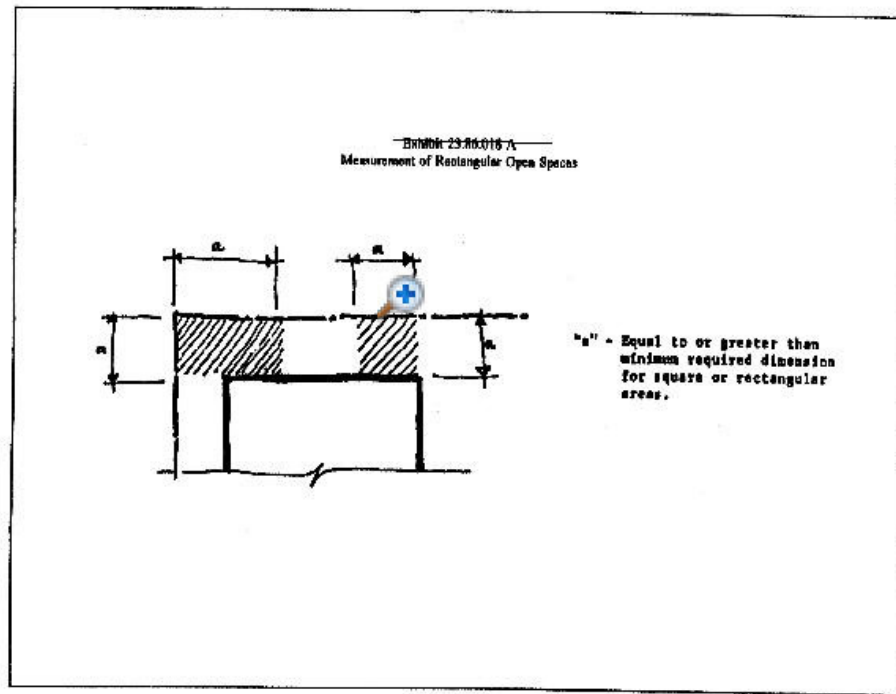
4                   2. Pedestrian access areas shall not be considered to break the contiguity of  
5 amenity area on each side.

6                   B. In shoreline areas, when determining the amount of amenity area required or provided,  
7 no land waterward of the ordinary high water mark shall be included in the calculation.  
8

9                   C. In cases where the shape or configuration of the amenity area is irregular or unusual,  
10 the Director shall determine whether amenity area requirements have been met, notwithstanding  
11 the following provisions, based on whether the proposed configuration would result in amenity  
12 area that is truly usable for normal residential recreational purposes. For the purpose of  
13 measuring the minimum horizontal dimension of the amenity area, if one is specified, the  
14 following provisions shall apply:  
15

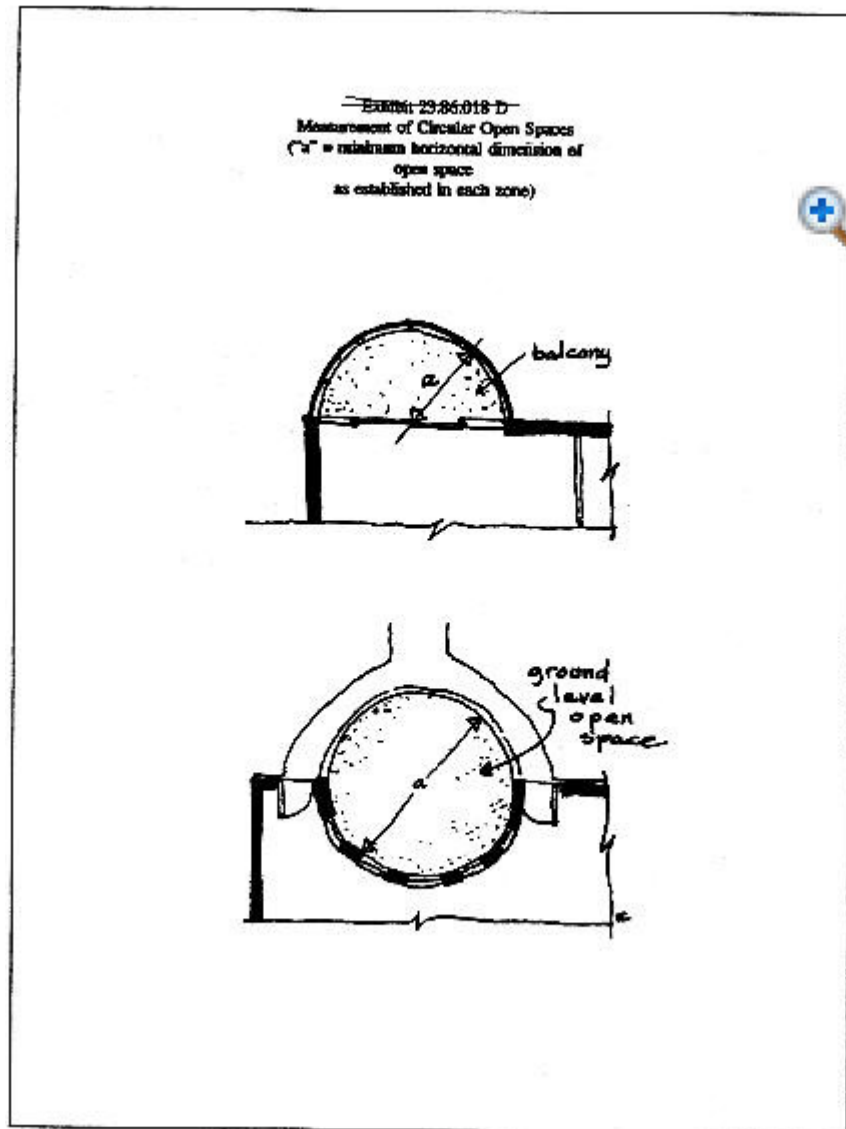
16                   1. For rectangular or square areas, each exterior dimension of the area shall meet  
17 the minimum dimension (Exhibit A for 23.86.017).  
18  
19  
20  
21  
22

23                   **Exhibit A for Section 23.86.017: Measurement of Regular Amenity Area**  
24  
25  
26  
27  
28



2. For circular areas, the diameter of the circle shall meet the minimum dimension; for semicircular areas, the radius of the area shall meet the minimum dimension (Exhibit B for 23.86.017).

## Exhibit B for 23.86.017: Measurement of Circular Amenity Areas



Section 99. Section 23.86.019 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

### **23.86.019 Green Factor**

A. Development standards for certain areas require landscaping that meets a minimum Green Factor score. All required landscaping shall meet standards promulgated by the Director to

1 provide for the long-term health, viability, and coverage of plantings. These standards may  
2 include, but are not limited to, the type and size of plants, spacing of plants, depth and quality of  
3 soil, use of drought-tolerant plants, and access to light and air for plants. The Green Factor score  
4 shall be calculated as follows:

5           1. Identify all proposed landscape elements, sorted into the categories presented in  
6 Table A for Section 23.86.019.

7           2. Multiply the square feet, or equivalent square footage where applicable, of each  
8 landscape element by the multiplier provided for that element in Table A for Section 23.86.019,  
9 according to the following provisions:

10           a. If multiple elements listed on Table A for Section 23.86.019 occupy the  
11 same area (for example, groundcover under a tree), count the full square footage or equivalent  
12 square footage of each element.

13           b. Landscaping elements in the right-of-way between the lot line and the  
14 roadway may be counted, provided that they are approved by the Director of the Department of  
15 Transportation.

16           c. Elements listed in Table A for Section 23.86.019 that are provided to  
17 satisfy any other requirements of this Code may be counted.

18           d. For trees, large shrubs, and large perennials, use the equivalent square  
19 footage of each tree or shrub according to Table B for Section 23.86.019.

20           e. For vegetated walls, use the square footage of the portion of the wall  
21 covered by vegetation. All vegetated wall structures, including fences counted as vegetated  
22

walls, shall be constructed of durable materials, provide adequate planting area for plant health, and provide appropriate surfaces or structures that enable plant coverage.

f. For all elements other than trees, large shrubs, large perennials, and vegetated walls, square footage is determined by the area of the portion of a horizontal plane that lies over or under the element.

g. All permeable paving and structural soil credits together may not count for more than one third of the lot's Green Factor score (~~((for a lot))~~).

3. Add together all the products calculated under subsection 23.86.019.A.2 to determine the Green Factor numerator.

4. Divide the Green Factor numerator by the lot area to determine the Green Factor score.



**Table A for Section 23.86.019: Green Factor Landscape Elements**

Green Factor Landscape Elements	Multiplier
<b>A. Planted Areas (choose one of the following for each planting area)</b>	
1. Planted areas with a soil depth of less than 24 inches	0.1
2. Planted areas with a soil depth of 24 inches or more:	0.6
3. Bioretention facilities meeting standards of the Stormwater Code, Title 22 Subtitle VIII of the Seattle Municipal Code	1.0
<b>B. Plants</b>	
1. Mulch, ground covers or other plants normally expected to be less than 2 feet tall at maturity.	0.1
2. Large shrubs or other perennials at least 2 feet tall at maturity	0.3
3. Small trees	0.3
4. Small/medium trees	0.3
5. Medium/large trees	0.4
6. Large trees	0.4
7. Preservation of existing large trees at least 6 inches in diameter at breast height	0.8
<b>C. Green roofs</b>	
1. Planted over at least 2 inches but less than 4 inches of growth medium	0.4
2. Planted over at least 4 inches of growth medium	0.7
<b>D. Vegetated walls</b>	0.7
<b>E. Water features using harvested rainwater and under water at least six months per year</b>	0.7
<b>F. Permeable paving</b>	
1. Installed over at least 6 inches and less than 24 inches of soil and/or gravel	0.2
2. Installed over at least 24 inches of soil and/or gravel	0.5
<b>G. Structural soil</b>	0.2
<b>H. Bonuses applied to Green Factor landscape elements:</b>	
1. Landscaping that consists entirely of drought- tolerant or native plant species	0.1
2. Landscaping that receives at least 50 percent of its irrigation through the use of harvested rainwater	0.2
3. Landscaping visible from adjacent rights-of-way or public open space	0.1
4. Landscaping in food cultivation	0.1

**Table B for Section 23.86.019: Equivalent square footage of trees and large shrubs**

Landscape Elements	Equivalent Square Feet
Large shrubs or large perennials	<del>((46))</del> <u>12</u> square feet per plant
Small trees	<del>((50))</del> <u>75</u> square feet per tree
Small/medium trees	<del>((400))</del> <u>150</u> square feet per tree
Medium/large trees	<del>((450))</del> <u>250</u> square feet per tree
Large trees	<del>((200))</del> <u>350</u> square feet per tree
Existing large trees	<del>((45))</del> <u>20</u> square feet per inch of trunk diameter 4.5 feet above grade

Section 100. Section 23.86.020 of the Seattle Municipal Code, relating to the measurement of modulation for institutions in multifamily zones, which section was last amended by Ordinance 110570, and as shown in Attachment A, is repealed.

Section 101. Subsection B and D of Section 23.90.018 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, are amended as follows:

**23.90.018 Civil Enforcement Proceedings and Penalties**

B. Specific ~~((V))~~ violations.

1. Violations of Section 23.71.018 are subject to penalty in the amount specified in subsection 23.71.018.H.

2. Violations of the requirements of subsection 23.44.041.C are subject to a civil penalty of \$5,000, which shall be in addition to any penalty imposed under subsection 23.90.018.A.

3. Violations of Section 23.49.011, 23.49.015 or 23.50.051 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings under applicable sections are subject to penalty in amounts determined under Section 23.49.020, and not to any

other penalty, but final determination and enforcement of penalties under that Section are subject to subsection 23.90.018.C.

4. Violations of Sections 23.45.510 and 23.45.526 with respect to failure to demonstrate compliance with commitments to earn a LEED Silver rating or a 4-Star rating awarded by the Master Builders Association of King and Snohomish Counties or other eligible green building ratings systems under applicable sections are subject to penalty in amounts determined under ~~((this))~~ subsection 23.90.018.E, and not to any other penalty.

5. Violation of Section 23.40.007.B with respect to failure to demonstrate compliance with a waste diversion plan for a structure permitted to be demolished under subsection 23.40.006.C is subject to a penalty in an amount determined as follows:

$$P = SF \times .02 \times RDR,$$

where:

P is the penalty;

SF is the total square footage of the structure for which the demolition permit was issued; and

RDR is the refuse disposal rate, which is the per ton rate established in SMC Chapter 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and disposal stations by the largest class of vehicles.

6. Violations of Section 23.40.060.E.2 by failing to submit the report required by Section 23.40.060.E.2 by the date required is subject to a penalty of \$500 per day from the date the report was due to the date it is submitted.

7. Violation of Section 23.40.060.E.1 by failing to demonstrate full compliance with the standards contained in Section 23.40.060.E.1 is subject to a maximum penalty of 5 percent of the construction value set forth in the building permit for the structure and a minimum penalty of 1 percent of construction value, based on the extent of compliance with standards contained in Section 23.40.060.E.1.

\* \* \*

D. Except in cases of violations of Section 23.45.510, 23.45.526, 23.49.011, 23.49.015, or 23.50.051 with respect to failure to demonstrate compliance with commitments to earn LEED Silver, Built Green 4-Star, or ESDS ratings or satisfy alternative standards, the violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the willful act, or neglect, or abuse of another; or

2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

\* \* \*

Section 102. Section 25.05.675 of the Seattle Municipal Code, which section was last amended by Ordinance 123209, is amended as follows:

**25.05.675 Specific environmental policies((+))**

\* \* \*

M. Parking.

1. Policy ((B))background.

a. Increased parking demand associated with development projects may adversely affect the availability of parking in an area.

b. Parking regulations to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of providing additional parking may have an adverse effect on the affordability of housing.

2. Policies.

a. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.

b. Subject to the overview and cumulative effects policies set forth in Sections 25.05.665 and 25.05.670, the decision maker may condition a project to mitigate the effects of development in an area on parking; provided that:

1) No SEPA authority is provided to mitigate the impact of development on parking availability in the ((~~downtown zones~~)) Downtown and South Lake Union Urban Centers;

2) ((~~In Seattle Mixed (SM) zones, and~~)) No SEPA authority is provided for the decision maker to ((~~require more parking than the minimum required by the Land Use Code~~))mitigate the impact of development on parking availability for residential uses located within:

i. the Capitol Hill/First Hill Urban Center, the Uptown Urban Center, and the University District ((Northwest))Urban Center ((Village)), except the portion of the Ravenna urban village that is not within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot;

ii. ((and)) the Station Area Overlay District;; and

iii. portions of urban villages within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot ((no SEPA authority is provided for the decision maker to require more parking than the minimum required by the Land Use Code));

3) Outside of the areas listed in subsection 25.05.675.M.2.b, ((Parking)) parking impact mitigation for multifamily development, except in the Alki area, as described in subsection 25.05.675.M.2.c ((below)), may be required only where on-street parking is at capacity, as defined by the Seattle Department of Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

c. For the Alki area, as identified on Map B for ((23.45.015)) 23.54.015, a higher number of spaces per unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse parking impacts of specific multifamily projects. Projects that generate a greater need for parking and that are located in places where the street cannot absorb that need -- for example, because of proximity to the Alki Beach Park -- may be required to provide additional parking spaces to meet the building's actual need. In determining that need, the size of the development project, the size of the units and the number of bedrooms in the units shall be considered.

d. If parking ((Parking)) impact mitigation is authorized by this subsection 25.05.675.M, it ((for projects outside of downtown zones)) may include but is not limited to:

- 1) Transportation management programs;
- 2) Parking management and allocation plans;
- 3) Incentives for the use of alternatives to single-occupancy vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;
- 4) Increased parking ratios((, ~~except for projects located within Seattle Mixed (SM) zones, and residential uses located in, the Capitol Hill/First Hill Urban Center, the University District Northwest Urban Center Village, and the Station Area Overlay District~~)); and
- 5) Reduced development densities to the extent that it can be shown that reduced parking spillover is likely to result; provided, that parking impact mitigation for multifamily development may not include reduction in development density.

\* \* \*

Section 103. Subsection A of Section 25.05.800 of the Seattle Municipal Code, which section was last amended by Ordinance 122670, is amended as follows:

#### **25.05.800 Categorical exemptions**

The proposed actions contained in this subchapter are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in Section 25.05.305.

A. Minor ((N))new ((C))construction—((F))flexible ((F))thresholds.

1           1. The exemptions in this subsection apply to all licenses required to undertake  
2 the construction in question, except when a rezone or any license governing emissions to the air  
3 or discharges to water is required. To be exempt under this ~~((section))~~ Section 25.05.800, the  
4 project ~~((must))~~ shall be equal to or smaller than the exempt level. For a specific proposal, the  
5 exempt level in subsection A.2 of this ~~((s))~~ Section 25.05.800 shall control. If the proposal is  
6 located in more than one ~~((1))~~ city~~((/))~~ or county, the lower of the agencies' adopted levels shall  
7 control, regardless of which agency is the lead agency.

8  
9           2. The following types of construction are exempt, except when undertaken  
10 wholly or partly on lands covered by water or unless undertaken in environmentally critical areas  
11 (Section 25.05.908):

12           a. The construction or location of residential structures containing no more  
13 than the number of dwelling units identified in ~~((part (i)))~~ Table A for 25.05.800, except ~~((as~~  
14 ~~modified by the provisions of part (ii.) 25.05.800.A.2.a.(ii) For))~~ for lots located in an Urban  
15 Center or a SAOD, if the proposed construction or location is on a lot in an ~~((LDT,))~~ LRI or LR2  
16 zone, and if the lot abuts any portion of another lot that is zoned SF or RSL, or is across an alley  
17 of any width from a lot that is zoned SF or RSL, or is across a street from a lot zoned SF or RSL  
18 ~~((where))~~ if that street does not meet minimum width requirements in ~~((SMC))~~ Section  
19 23.53.015.A, then the level of exempt construction is 4 dwelling units for lots in an ~~((LDT or))~~  
20 LR1 zone, and 6 dwelling units for lots in an LR2 zone~~((-))~~;



**Table A for 25.05.800: Exemptions for Residential Uses**

Zone	Residential Uses	
	<u>Number of Exempt Dwelling Units</u>	
	Outside of Urban Centers	Within Urban Centers or SAOD
SF, RSL	4	4
<del>(LDT)</del> LR1	4	6
<del>(L1)</del>	<del>(4)</del>	<del>(30)</del>
LR2	6	30
LR3 <del>(, L4)</del>	8	30
NC1, NC2, NC3, C1, C2	4	30
MR, HR, SM	20	30
Downtown zones	NA	80
Industrial zones	4	4

Notes for Table A for 25.05.800:

SAOD = Station Area Overlay Districts.

Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ~~(ten thousand)~~ 10,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption does not apply to feed lots;

c. The construction of office, school, commercial, recreational, service or storage buildings, containing no more than the gross floor area listed in the ~~(table)~~ Table B for 25.05.800 below:

**Table B for 25.05.800: Exemptions for Non-Residential Uses**

Zone	Non-Residential Uses	
	Exempt Area of Use (square feet of gross floor area)	
	Outside of Urban Centers	Within Urban Centers or SAOD
SF, RSL, ( <del>LD, LT</del> ) LR1, LR2, LR3( <del>; LR4</del> )	4,000	4,000
MR, HR, NC1, NC2, NC3	4,000	12,000
C1, C2, SM, Industrial zones	12,000	12,000
Downtown zones	<u>Not Applicable</u>	12,000
Notes( <del>(:)</del> ) <u>for Table B for 25.05.800</u> SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan.		

d. The construction of a parking lot designed for (~~(forty-)~~40(~~(+)~~)) or fewer automobiles, as well as the addition of spaces to existing lots up to a total of (~~(forty-)~~40(~~(+)~~)) spaces;

e. Any landfill or excavation of (~~(five hundred-)~~500(~~(+)~~)) cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations there under;

f. Mixed-use construction, including but not limited to projects combining residential and commercial uses, is exempt if each use, (~~(when)~~) if considered separately, is exempt under the criteria of subsections 25.05.800.A.2.a through A.2.d above, unless the uses in combination may have a probable significant adverse environmental impact in the judgment of an agency with jurisdiction (see Section 25.05.305(~~(-)~~), A.2.b);

g. In zones not specifically identified in this subsection 25.05.800.A, the standards for the most similar zone addressed by this subsection apply.

\* \* \*

Section 104. Subsections A and B of Section 25.09.260 of the Seattle Municipal Code, which section was last amended by Ordinance 122050, is amended as follows:

**25.09.260 Environmentally Critical Areas Administrative Conditional Use((-))**

A. When the applicant demonstrates it is not practicable to comply with the requirements of Section 25.09.240((-))B considering the parcel as a whole, the applicant may apply for an administrative conditional use permit, authorized under Section 23.42.042, under this section to allow the Director to count environmentally critical areas and their buffers that would otherwise be excluded in calculating the maximum number of lots and units allowed on the parcel under Section 25.09.240((-))E.

B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one ((~~1~~)) dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:

1. Environmental ((~~F~~))impacts on ((~~E~~))critical ((~~A~~))areas.

a. No development is in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer.

b. No riparian management area, shoreline habitat buffer, or wetland buffer is reduced.

c. No development is on a steep slope area or its buffer unless the property being divided is predominantly characterized by steep slope areas, or unless approved by the Director under Section 25.09.180((-))B\_2\_a, b\_1 or c.

(1) The preference is to cluster units away from steep slope areas and buffers.

(2) The Director shall require clear and convincing evidence that the provisions of this subsection 25.09.260.B are met ~~((when))~~ if units are clustered ~~((clustering units))~~ on steep slope areas and steep slope area buffers with these characteristics:

(a) a wetland over ~~((fifteen hundred +))~~ 1,500 ~~((+))~~ square feet in size or a watercourse designated part of a riparian corridor; or

(b) an undeveloped area over ~~((five +))~~ 5 ~~((+))~~ acres characterized by steep slopes; or

(c) areas designated by the Washington Department of Fish and Wildlife as urban natural open space habitat areas with significant tree cover providing valuable wildlife habitat.

d. The proposal protects Washington State Department of Fish and Wildlife priority species and maintains wildlife habitat.

e. The open water area of a shoreline habitat, wetland or riparian corridor shall not be counted in determining the permitted number of lots.

f. The proposal does not result in unmitigated negative environmental impacts, including drainage and water quality, erosion, and slope stability on the identified environmentally critical area and its buffer.

g. The proposal promotes expansion, restoration or enhancement of the identified environmentally critical area and buffer.

2. General ~~((E))~~ environmental ~~((F))~~ impacts and ~~((S))~~ site ~~((C))~~ characteristics.

a. The proposal keeps potential negative effects of the development on the undeveloped portion of the site to a minimum and preserves topographic features.

b. The proposal retains and protects vegetation on designated nondisturbance areas, protects stands of mature trees, keeps tree removal to a minimum, removes noxious weeds and protects the visual continuity of vegetated areas and tree canopy.

3. Neighborhood ((€))compatibility.

a. The total number of lots permitted on-site shall not be increased beyond that permitted by the underlying single-family zone.

b. Where dwelling units are proposed to be attached, they do not exceed the height, bulk and other applicable development standards of the Lowrise 1 ((~~L-1~~)) (LR1) zone.

c. The development is reasonably compatible with and keeps the negative impact on the surrounding neighborhood to a minimum. This includes, but is not limited to, concerns such as neighborhood character, land use, design, height, bulk, scale, yards, pedestrian environment, and preservation of the tree canopy and other vegetation.

\* \* \*

Section 105. Section 25.11.070 of the Seattle Municipal Code, which section was enacted by Ordinance 120410, is amended as follows:

**25.11.070 Tree protection on sites undergoing development in Lowrise-((~~Duplex/Triplex, Lowrise 1, Lowrise 2, and Lowrise 3~~)) zones((:))**

The provisions in this Section 25.11.070 apply in Lowrise zones.

A. Exceptional ((~~F~~))trees((:))

1. If ~~((it is determined))~~ the Director determines that there is an exceptional tree located on the ~~((site))~~ lot of a proposed development, the ~~((project))~~ development shall go through ~~((administrative))~~ streamlined design review as provided in Section ~~((23.41.016))~~ 23.41.018 ~~((even))~~ if the project ~~((would normally))~~ falls below the thresholds for design review ~~((as contained))~~ established in Section 23.41.004.

2. The Director may permit the exceptional tree to be removed only if the total floor area that could be achieved within the maximum permitted ~~((development coverage))~~ FAR and ~~((the))~~ height limits of the applicable ~~((f))~~ Lowrise zone according to SMC Title 23, the Land Use Code, cannot be achieved while avoiding the tree protection area through the following:

a. Development standard adjustments permitted in Section 23.41.018 or the departures permitted in Section 23.41.012.

b. An increase in the permitted height as follows under subsection 25.11.070.A.3 ~~((:))~~

~~((i. In ((Lowrise Duplex/Triplex,)) Lowrise 1((,)) and Lowrise 2 zones, the basic height limit of twenty five (25) provided for in Section 23.45.009A may be increased up to thirty (30) feet; the pitch roof provisions of Section 23.45.009 C1 may be modified to permit the ridge of pitched roofs on principal structures with a minimum slope of ((six to twelve ()))6:12(( )) to extend up to ((forty ( ))40(( )) feet, and the ridge of pitched roofs on principal structures with a minimum slope of ((four to twelve ( ))4:12(( )) may extend up to ((thirty five ( ))35(( )) feet.~~

~~ii. In Lowrise 3 zones the height of the pitched roof provided for in Section 23.45.009C3 may extend up to ten (10) feet above the maximum height limit.))~~

3. In order to preserve an exceptional tree, for a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of Section 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet ~~((.iii. The increase in height permitted in this ((section)) shall only be approved))~~ if ~~((it can be demonstrated that it))~~ the increase is needed to accommodate, on an additional ~~((floor))~~ story, the amount of floor area lost by avoiding development within the tree protection area ~~((. The maximum))~~ and the amount of floor area on ~~((an))~~ the additional ~~((floor))~~ story ~~((shall be))~~ is limited to the amount of floor area lost by avoiding development within the tree protection area. ~~((This provision for increased height shall not be permitted if the development is granted a departure from the development standards for setbacks.))~~

c. Parking Reduction. A reduction in the parking quantity ~~((of))~~ required by Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an exceptional tree if the reduction would result in a project that would avoid the tree protection area. ~~((The reduction shall be limited to a maximum of ten (10) percent of the number of required parking spaces)).~~

B. Trees ~~((Θ))~~ over ~~((Two (2))~~ 2 ~~((3))~~ feet in ~~((D))~~ diameter ~~((Measured Four and One-half (4½) Feet Above the Ground)).~~

1. Trees over ~~((two (2))~~ 2 ~~((3))~~ feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.

2. In order to protect trees over ~~((two (2))~~ 2 ~~((3))~~ feet in diameter an applicant may request and the Director may allow modification of development standards in the same manner

and to the same extent as provided for exceptional trees in subsection 25.11.070.A ~~((of this section, above))~~.

~~((C. The development shall meet the tree requirements in landscaped areas of Section 23.45.015C)).~~

Section 106. Section 25.11.080, which section was enacted by Ordinance 120410, is amended as follows:

**25.11.080 Tree protection on sites undergoing development in ~~((Lowrise 4,))~~ Midrise~~((;))~~ and Commercial Zones~~((;))~~**

The standards in this Section 25.11.080 apply in Midrise and Commercial zones.

A. Exceptional ~~((F))~~ trees.

1. If it is determined that there is an exceptional tree located on the site the project shall go through ~~((administrative))~~ streamlined design review as provided in Section ~~((23.41.016))~~ 23.41.018 even if the project would normally fall below the threshold for design review ~~((as contained))~~ established in Section 23.41.004.

2. The Director may permit an exceptional tree to be removed only if the applicant demonstrates that protecting the tree by avoiding development in the tree protection area could not be achieved through the development standard adjustments permitted in Section 23.41.018 or the departures permitted in Section 23.41.012, ~~((and/or))~~ a reduction in the parking requirements of Section 23.54.015, ~~((up to a maximum reduction of ten (10) percent of the number of required parking spaces))~~ and/or a reduction in the standards of Section 23.54.030.

B. Trees ~~((O))~~ over ~~((Two (2)))~~ ~~((F))~~ feet in ~~((D))~~ diameter ~~((M))~~ measured ~~((Four and One-half (4 1/2) Feet Above the ground))~~.

1. Trees over ~~((two (2)))~~ ~~((;))~~ feet in diameter, measured 4.5 feet above the ground, shall be identified on site plans.



2. In order to protect trees over ~~((two-))2((3))~~ feet in diameter an applicant may request and the Director may permit modification of development standards in the same manner and to the same extent as provided for exceptional trees in subsection 25.11.080.A ~~((of this section))~~, above.

\* \* \*

Section 107. The Council requests that the Department of Planning and Development (DPD) establish a specific target for review time for permit applications subject to the streamlined administrative design review (SDR) process. DPD will report on the target in the online permit turnaround data that the Department updates monthly, and will report on the turnaround times as part of the regular Department presentations to the Committee on the Built Environment or its successor Committee. In addition, the Council requests that the DPD submit a written report evaluating the SDR process to all Councilmembers after Master Use Permit decisions for twenty SDR projects have been published. In the report, DPD will provide an evaluation of the cost of SDR, the amount of staffing required for SDR, the amount and purpose of the adjustments granted by DPD, the effects on project design, and potential program improvements.

Section 108. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision, or its invalidity as applied in any circumstances, shall not affect the validity of any other provision or the application of the particular provision in other circumstances. To the extent that sections of this ordinance recodify or are incorporated into new or different sections provisions of the Seattle Municipal Code as previously in effect, this ordinance shall be construed to continue such provisions in effect. The repeal of various sections of Title 23 of the Seattle Municipal Code by this ordinance shall not relieve any person of the

1 obligation to comply with the terms and conditions of any permit issued pursuant to the  
2 provisions of such Title as in effect prior to such repeal, nor shall it relieve any person or  
3 property of any obligations, conditions or restrictions in any agreement or instrument made or  
4 granted pursuant to, or with reference to, the provisions of such Title in effect prior to such  
5 repeal.  
6

7 Section 109. Sections 1 through 106 of this ordinance shall take effect 90 days after the  
8 effective date of this ordinance.  
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Section 110. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within 10 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2010, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
City Clerk

(Seal)

Attachment A: Repealed Code Sections  
Attachment B: Official Land Use Map amendments